

Kelley	Stone
Lemens	of Washington
Martin	Sulak
Metcalf	Van Zandt
Pace	Weinert
Redditt	Winfield

## Nays—14

Aikin	Lanning
Brownlee	Moore
Burns	Roberts
Collie	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	

## Present—Not Voting

Moffett

## Absent

Nelson                      Small

The Senate, accordingly, at 12:15 o'clock p. m. took recess to 10:00 o'clock a. m. tomorrow.

## FORTY-EIGHTH DAY

(Continued)

(Tuesday, April 11, 1939)

The Senate met at 10:00 o'clock a. m., and was called to order by President Stevenson.

## Leave of Absence Granted

Senator Nelson was granted leave of absence for today, on account of important business, on motion of Senator Graves.

## Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 195, A bill to be entitled "An Act defining and regulating the practice of chiropody in the State of Texas; providing for the creation of the State Board of Chiropody Examiners and prescribing their powers

and duties; providing for the examination and licensing of chiropodists and the recording of licenses issued to chiropodists and for the annual registration of licensed chiropodists; providing grounds upon which such licenses may be suspended or revoked and the procedure to be followed in suspending or revoking same; providing civil and criminal remedies and penalties for violation of the laws regulating the practice of chiropody and to prevent the unlawful practice of chiropody, defining certain unlawful acts and practices taking place in connection with the practice of chiropody and prescribing penalties therefor; amending Articles 4567, 4568, 4569, 4570, 4571, 4572, 4573, 4574, 4575 of the Revised Civil Statutes of 1925, and also amending Chapter 11, Title 71, Revised Civil Statutes of 1925 by adding Article 4573-a immediately after Article 4573, as amended herein, and by adding Article 4573-b immediately after Article 4573-a, and by adding Article 4575-a immediately after Article 4575, as amended herein, and amending Articles 778, 779 and 780 of the Penal Code of 1925, and also amending Chapter 11, Title 12 of the Penal Code of 1925, by adding Article 778-a immediately after Article 778, as amended herein and by adding Article 779-a immediately after Article 779 as amended herein, and by adding Article 779-b immediately after Article 779-a, and otherwise regulating and protecting public health as dealt with by the profession of chiropody as in the Act set out; providing for reciprocity as limited in the Act and declaring certain legislative intent with respect to this Act, and declaring an emergency."

H. B. No. 294, A bill to be entitled "An Act authorizing the Boards of School Trustees of independent school districts and County Boards of School Trustees to employ visiting teachers and school psychologists, setting forth qualifications of visiting teachers and school psychologists, prescribing their duties, defining their status, and prescribing how they should be paid; providing a saving clause, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 419, A bill to be entitled "An Act amending Section 3 of House

Bill No. 352, of the Regular Session of the Forty-fifth Legislature, Chapter 436, page 893, exempting certain boilers from the provisions of said Act, and declaring an emergency."

H. B. No. 539, A bill to be entitled "An Act amending Article 3259 of the Revised Civil Statutes of Texas of 1925, relating to the Waco State Home, formerly known as the Home for Dependent and Neglected Children, so as to facilitate the administration of said Home and to provide for more effective training and care of children in need of it and for the placement of certain children of said Home in children's boarding homes at a rate not to exceed One (\$1.00) Dollar per day for each child so boarded; provided that such homes shall be licensed by the Division of Child Welfare, State Board of Control; retaining with said superintendent control and custody of the child so placed as same exists with all other inmates of said Home; providing that children may be placed for adoption in homes approved by said Division of Child Welfare, State Board of Control; declaring an emergency."

H. B. No. 834, A bill to be entitled "An Act to provide that bonds and other obligations issued by any public housing authority or agency in the United States, when secured by a pledge of annual contributions to be paid by the United States Government, shall be security for all public deposits, and legal investments for the State and public officers, municipal corporations, political subdivisions and public bodies, all banks, bankers, trust companies, saving banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries; to repeal Section 14-A of Chapter 462, Regular Session of the Forty-fifth Legislature, as amended by House Bill No. 102, Second Called Session of the Forty-fifth Legislature, and to declare an emergency."

H. B. No. 840, A bill to be entitled "An Act prohibiting the setting of any steel trap, snare or deadfall in certain counties for the purpose of

taking any fur-bearing animals for a period of two (2) years; providing certain exceptions; repealing all laws insofar as they conflict with this Act; providing a penalty for violation of this Act."

H. B. No. 845, A bill to be entitled "An Act making it unlawful to take or kill any wild fox in the Counties of Young and/or Jack for a period of two years; making exceptions thereof; prescribing penalty for violation of this Act, and declaring an emergency."

H. B. No. 852, A bill to be entitled "An Act authorizing the Board of Directors of the Texas Technological College at Lubbock to lease at public auction for oil, gas, sulphur, and/or other mineral development all lands used as experimental stations and all other lands under its exclusive control; providing for the Texas Technological College Special Mineral Fund and the manner it is to be administered; providing for a permanent fund and the expenditures of the income from same prescribing the mode and manner of said oil, gas, sulphur and other mineral leases on said land; appropriating certain moneys received between the effective date of the Act and August 31, 1939, to the use of the Texas Technological College, its branches and divisions, authorizing necessary subdivision; procuring of abstracts, and advertisement with respect to sale of said leases; providing penalty for delay in drilling; fixing certain regulations with regard to leasing; providing drilling operations shall not interfere with the operation of the Texas Technological College as a college and/or farm; providing for the filing of leases and records in the State Land Office; providing for extension of leases; providing for assignment of leases and relinquishment to the State; providing the time and manner of payment of royalties; providing for reports to the Board of Directors; providing for forfeiture of lease; authorizing a majority of the Board to act; making an appropriation to defray the expenses of said Board; providing if any part of the Act shall be declared unconstitutional it shall not affect the validity of the remainder, and declaring an emergency."

H. B. No. 855, A bill to be entitled "An Act providing pay for members

of the county board of school trustees of certain counties, and limiting the number of sessions to be paid for, and declaring an emergency."

H. B. No. 867, A bill to be entitled "An Act providing that in counties having a population of not less than twenty-two thousand, one hundred (22,100) and not more than twenty-two thousand, six hundred (22,600), according to the last preceding Federal Census, the County Judge may appoint a court stenographer to be called and known as the Official Court Reporter of the County Court; providing that the person appointed by said County Judge shall be approved by the Commissioners' Court of the county in which appointed; to define and describe the duties of such Court Reporter and fix the compensation and tenure of office; prescribing the fund from which the salary is to be paid, and declaring an emergency."

H. B. No. 870, A bill to be entitled "An Act creating Road District No. 4, of Tyler County, Texas, under authority of Article 3, Section 52 of the Constitution of Texas, for the purpose of the construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes or in aid thereof, making it a body corporate and taxing district; describing said district by metes and bounds; reciting that it comprises a portion of the territory of Road District No. 2, of said County which has outstanding road bonds, and declaring that it is not intended by the creation of Road District No. 4, to interfere in any manner with the functioning of said Road District No. 2; providing that such road district shall have authority to issue bonds for the purpose of the construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes or in aid thereof and levy ad valorem taxes in payment thereof, as contemplated by Article 3, Section 52, of the Constitution of Texas, when authorized by two-thirds majority vote of the duly qualified resident property tax paying voters of said district; providing that such road district shall be governed in the matter of issuing bonds and levying ad valorem taxes in payment thereof as provided by the General Laws of Texas and particularly Chapter 16 of the General Laws enacted by the Thirty-ninth Legislature at its First Called Session in 1926, and amendments thereto, and declaring an emergency."

H. B. No. 871, A bill to be entitled "An Act creating Road District No. 5, of Tyler County, Texas, under authority of Article 3, Section 52 of the Constitution of Texas, for the purpose of the construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes or in aid thereof, making it a body corporate and taxing district; describing said district by metes and bounds; reciting it comprises a portion of the territory of Road District No. 2, of said County which has outstanding road bonds, and declaring that it is not intended by the creation of Road District No. 5, to interfere in any manner with the functioning of said Road District No. 2; providing that such road district shall have authority to issue bonds for the purpose of the construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes or in aid thereof and levy ad valorem taxes in payment thereof, as contemplated by Article 3, Section 52, of the Constitution of Texas, when authorized by two-thirds majority vote of the duly qualified resident property tax paying voters of said district; providing that such road district shall be governed in the matter of issuing bonds and levying ad valorem taxes in payment thereof as provided by the General Laws of Texas and particularly Chapter 16 of the General Laws enacted by the Thirty-ninth Legislature at its First Called Session, in 1926, and amendments thereto, and declaring an emergency."

H. B. No. 873, A bill to be entitled "An Act making provisions for salaries of chief deputy in the office of sheriff, tax collector and assessor in certain counties; authorizing Commissioners' Court to pay salaries; providing mode and manner of paying salaries; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 874, A bill to be entitled "An Act to amend Subsection E of Section 2, of Article 3912e-2, Revised Civil Statutes of Texas, being House Bill No. 165, Acts, 1937, Forty-fifth Legislature, Regular Session, Chapter 81, page 151, and declaring an emergency."

H. B. No. 876, A bill to be entitled "An Act fixing the compensation for County Commissioners in certain counties, providing the manner of pay-

ment and prescribing the funds from which it shall be paid, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 877, A bill to be entitled "An Act to fix the salary of the Superintendent of Public Instruction in each county in Texas having a population of not less than ten thousand, three hundred and fifty (10,350), and not more than ten thousand, three hundred and eighty (10,380), according to the last preceding Federal Census; providing for the payment of such salary from the Available School Fund of such county; providing for office and traveling expenses to be paid out of the Available School Fund; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 889, A bill to be entitled "An Act making it unlawful to take any fish from any of the fresh water lakes, rivers, bayous, sloughs, and/or any other fresh waters in Jack County, Texas, by the use of any hoop, nets, and/or barrel nets; prescribing penalties for such unlawful taking; repealing all laws and parts of laws to the extent of the conflict only, and declaring an emergency."

H. B. No. 881, A bill to be entitled "An Act creating and establishing Callahan County Road District No. 1-A in Callahan County, Texas, under Article III, Section 52, of the Constitution for the purpose of the construction, operation and maintenance of macadamized, graveled or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the district a body corporate with authority to sue and be sued; authorizing the district to issue bonds upon two-thirds vote of the property taxpaying voters voting at an election; prescribing the method of calling and conducting such election, and the method of issuing said bonds; directing the levy, assessment and collection of a tax for the payment of principal and interest of said bonds; providing for the custody and disbursement of the funds of the district; providing that in awarding contracts for road construction the Commissioners' Court shall advertise for bids and shall award the contract to the lowest and best bidder; providing that the fact that a portion of the district hereby created is also included in another road district having outstanding bonds shall not affect the district

hereby created or its powers hereby granted; determining that all of the lands in said district will be benefited by additional road improvements; providing that the provisions of this Act shall prevail in the event of conflict with any other general or special laws; providing that if any provision hereof is held to be invalid such holding shall not affect the other provisions hereof, and declaring an emergency."

H. B. No. 892, A bill to be entitled "An Act providing for the excluding of lands from water improvement districts and from water control and improvement districts where such land is not of such nature as to be subject to irrigation in a practicable manner, upon application of the owner of such land, by the Board of Directors of such district, with the consent of ninety-five (95%) per cent of the bondholders holding bonds payable from taxes levied within such district, and provided a like amount of irrigable land is added to such district upon the application of the owner thereof at the time of excluding land not subject to irrigation in a practicable manner, and declaring an emergency."

H. B. No. 882, A bill to be entitled "An Act creating and establishing Callahan County Road District No. 2 in Callahan County, Texas, under Article III, Section 52, of the Constitution for the purpose of the construction, operation and maintenance of macadamized, graveled or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the district a body corporate with authority to sue and be sued; authorizing the district to issue bonds upon two-thirds vote of the property taxpaying voters voting at an election; prescribing the method of calling and conducting such election, and the method of issuing said bonds; directing the levy, assessment and collection of a tax for the payment of principal and interest of said bonds; providing for the custody and disbursement of the funds of the district; providing that in awarding contracts for road construction the Commissioners' Court shall advertise for bids and shall award the contract to the lowest and best bidder; providing that the fact that a portion of the district hereby created is also included in another road district having outstanding bonds shall not affect the district hereby

created or its powers hereby granted; determining that all of the lands in said district shall be benefited by additional road improvements; providing that the provisions of this Act shall prevail in the event of conflict with any other general or special laws; providing that if any provision hereof is held to be invalid such holding shall not affect the other provisions hereof; repealing House Bill No. 349, and declaring an emergency."

H. B. No. 883, A bill to be entitled "An Act to amend Article 6704 of the Revised Civil Statutes of Texas by adding thereto a new subdivision to be known as subdivision 4, permitting, empowering and authorizing the Commissioners' Court of any county containing a population of not less than five thousand, six hundred ninety (5,690) nor more than five thousand, seven hundred fifty (5,750), according to the last preceding Federal Census, to construct cattle guards on any or all of the first class, second class, or third class roads within their respective counties in accordance with plans and specifications prepared and approved by the Commissioners' Court of said County, and further permitting, authorizing and empowering said Commissioners' Court to construct said cattle guards on any such roads and pay therefor out of the road and bridge funds of said County and making it a penal offense for anyone to construct any cattle guard on such roads not in accordance with said approved plans and specifications as prepared and approved by said Commissioners' Court; providing a suitable penalty therefor, and declaring an emergency."

H. B. No. 885, A bill to be entitled "An Act authorizing County Commissioners' Courts and the City Commission of any incorporated town to lease or rent office space for the purpose of aiding and cooperating with the agencies of the State and Federal Governments engaged in the administration of relief of the unemployed and needy people in the State of Texas, and to pay the regular monthly utility bills for such offices, such as lights, gas and water; to pay for such leases, rentals and utilities out of the General Fund when in the opinion of a majority of the Commissioners' Court such is essential to the proper administration of such agencies of either the State or Federal Governments; providing for the validation of

all actions, proceedings, orders and contract for such rentals, leases or utility bills heretofore made by any Commissioners' Court; providing that if any part of this Act shall ever be held unconstitutional, such holding shall not affect the validity of the remaining portions of the Act, and declaring an emergency."

H. B. No. 886, A bill to be entitled "An Act providing that County Commissioners' Courts and the municipal government of any incorporated city, town or village, may appoint, employ and pay case workers and investigators to make investigations of needy persons to whom may be supplied necessities, furnished by the Texas Relief Commission, any proper Federal Agency, or by counties or cities or by any one of said agencies, city, commission, city or county; providing that in no case shall there be employed more than one case worker or investigator to every one hundred thousand (100,000) inhabitants of each county in this State; providing that County Commissioners' Courts in this State in conjunction with municipalities and governments of any incorporated city, town or village may enter into an agreement to jointly appoint, employ and pay the salary of case workers or investigators to make investigations of needy persons to whom may be supplied necessities furnished by the Texas Relief Commission or any proper Federal Agency or by counties or cities, or by any one of said agencies, commissions, cities or counties in such proportionate parts as may be agreed upon by the said Commissioners' Court of any county and any municipal government situated in said County; providing compensation for such case workers so employed and appointed may not exceed Eighteen Hundred (\$1,800.00) Dollars per annum; providing the duties of such case workers and investigators; providing that the employment, appointment and paying of such case worker shall be discretionary with the Commissioners' Courts of any county in this State, declaring an emergency."

H. B. No. 888, A bill to be entitled "An Act defining coloring matter and its composition, manufacture, sale and use in connection with citrus fruit; providing for the analysis of such coloring matter by the Commissioner of Agriculture and for the licensing of the manufacturers thereof; prescribing the form and amount of bond

to be given by such manufacturers; prohibiting the use of harmful coloring matter on citrus fruit; prescribing the maturity of fruit to which such coloring matter is applied; authorizing the Commissioner of Agriculture to issue rules and regulations pursuant to such Act; providing for the enforcement thereof by the Chief of Maturity Division and other agents of the Commissioner of Agriculture and fixing compensation of such Chief for so doing; providing for the inspection of citrus treated with coloring matter and assessing the cost of enforcing the Act against such fruit so treated; providing for the branding of fruit treated with coloring matter and containers in which it is shipped and prohibiting the application of unauthorized coloring matter to citrus fruit; declaring citrus which does not comply with the Act to be dangerous to public health and a public nuisance; providing penalties for violation of the Act, and declaring an emergency."

H. B. No. 894, A bill to be entitled "An Act providing that it shall be unlawful to shoot quail in McCulloch and San Saba Counties until December 1, 1941; providing a suitable penalty for violation of this act; repealing all conflicting laws, and declaring an emergency."

H. B. No. 909, A bill to be entitled "An Act to amend Article 1654a, Section 1, of the Revised Civil Statutes; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 906, A bill to be entitled "An Act authorizing the Commissioners' Court of any county having a population of not less than thirty-seven thousand, five hundred (37,500) and not more than thirty-eight thousand, six hundred (38,600) inhabitants, according to the last preceding Federal Census, to allow each County Commissioner the sum of Fifty (\$50.00) Dollars per month for traveling expenses; providing for the source of payment of such expenses, and declaring an emergency."

H. B. No. 913, A bill to be entitled "An Act providing for more adequate and equitable salary for County Superintendents of Public Instruction in all those counties of Texas coming within the brackets and population figures herein, specifically in all those

counties having not less than forty-three thousand, one hundred twenty-five (43,125), and not more than forty-three thousand, two hundred (43,200), according to the last preceding Federal Census; modifying all laws or parts of laws in conflict herewith; making the Act cumulative of the General Law, and declaring an emergency."

H. B. No. 952, A bill to be entitled "An Act for the purpose of better conserving the salt water fish and marine resources of the State of Texas, by providing certain regulations and restrictions and the use of certain parts of the waters of all artificial and natural passes now or hereafter constructed and maintained by the Game, Fish and Oyster Commission of the State of Texas as fish passes, providing a penalty, savings clause, and declaring an emergency."

H. B. No. 716, A bill to be entitled "An Act amending Article 4619, Revised Civil Statutes, 1925, revision, so as to more clearly define what constitutes community property."

H. B. No. 799, A bill to be entitled "An Act making appropriation of certain sums of money, or so much thereof as may be necessary, out of the General Revenue Fund to pay taxes due by the State to certain independent school district, and declaring an emergency."

H. B. No. 822, A bill to be entitled "An Act to amend Article 7252, Revised Statutes, 1925, authorizing the assessor and collector of taxes to appoint deputies to assist him in the assessment and collection of taxes; providing for bonds from such deputies; providing that the assessor and collector shall be liable for the Acts of such deputies; and authorizing the deputies to perform the duties imposed and required by law of the assessor and collector of taxes; and providing that in counties having a population of 355,000 or more, according to the last preceding Federal Census the assessor and collector may apply to the Commissioners' Court for the appointment of special deputies having technical training or qualified by experience in order to obtain valuations and perform technical duties and authorizing the application for clerical, accounting, and stenographic assistants in connection therewith and pro-

viding for a special head for the automobile division of said offices, and declaring an emergency."

H. B. No. 808, A bill to be entitled "An Act to amend Article 1645, Title 34, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 35, General and Special Laws passed at the First Called Session of the Fortieth Legislature, as amended by Chapter 28, General and Special Laws passed at the First Called Session of the Forty-first Legislature, as amended by Chapter 15, General and Special Laws passed at the Second Called Session of the Forty-second Legislature, relating to the appointment and compensation of County Auditors in counties containing a population of thirty-five thousand (35,000) inhabitants, or over, according to the preceding Federal Census, or having a tax valuation of Fifteen Million (\$15,000,000) Dollars, according to the last approved tax rolls; and providing that in all counties of not less than seven thousand, six hundred and eighty (7,680) inhabitants and not more than seven thousand, seven hundred (7,700) inhabitants, according to the 1930 Census, the Commissioners' Courts thereof shall have the power to determine whether an Auditor for such county is a public necessity in the dispatch of the county's business, and if such Court determines that such necessity exists for such Auditor, it may appoint same, who shall qualify and perform the duties required of a County Auditor in this State, and such Commissioners' Court shall have the power to discontinue such office at any time that it may determine that such Auditor be not a public necessity; and providing for additional compensation for the County Auditors in such counties having more than two hundred thousand (200,000) population and not more than three hundred thousand (300,000) population, according to the last Federal Census, where there is a city and county hospital to care for city and county patients, and where a financial record for such hospital must be kept and reports made to the city and county; and providing that if any portion of this Act be declared unconstitutional or invalid, the remainder shall not be affected thereby."

H. B. No. 823, A bill to be entitled "An Act to amend Subsection (h) of Section 19, Chapter 465, of the Acts of the Forty-fourth Legislature, Second Called Session, by adding thereto a proviso applying in counties having a population of more than 355,000, according to the last preceding Federal Census fixing the limits of the salaries to be paid deputies, assistants, and employees of district, county and precinct officers, defining heads of departments, providing for the manner and means of employment, and declaring an emergency."

H. B. No. 824, A bill to be entitled "An Act providing that in all counties containing a population of 355,000 or more inhabitants, according to the last preceding or any future Federal Census, the Commissioners' Court of each of such counties shall make a reasonable allowance, not to exceed Fifty (\$50.00) Dollars a month, each Justice of the Peace for the operation of automobiles in connection with their official business, when such Justice of the Peace sits in a court maintained in the courthouse at the county seat of each of such counties, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 832, A bill to be entitled "An Act to declare valid and legal the establishment and organization of housing authorities, all bonds, notes, contracts, agreements, obligations and undertakings of such housing authorities, and all proceedings, acts and things heretofore undertaken, performed or done with reference thereto."

H. B. No. 829, A bill to be entitled "An Act extending the validating provisions of Articles 961 and 961a of the Revised Civil Statutes, 1925, by the addition of Article 961b; reenacting the provisions of Articles 961 and 961a, and giving said cities, towns or villages all the powers heretofore granted to them under Title 28; validating all proceedings heretofore had by the governing bodies of all cities and towns in counties having a population of more than 46,100 and less than 46,200, according to the last preceding Federal Census, in the issuance and sale of obligations used

in financing any project for which loan or grant has been made or applied for to the United States through the Federal Emergency Administrator of Public Works or any agency, department, or division of the government of the United States; validating all tax levies to be used in the refunding of said obligations; exempting all pending litigation, and declaring an emergency."

H. B. No. 833, A bill to be entitled "An Act to authorize cities to adopt ordinances relating to the repair and closing of dwellings unfit for human habitation; to provide for the remedies and procedure in connection with action taken under such ordinances, and to declare an emergency."

H. B. No. 836, A bill to be entitled "An Act amending Section 3 of Article 5221-C, Title 83 of the Revised Civil Statutes of the State of Texas, exempting certain boilers within the city limits of cities having a population of 290,000, or over, from inspection, inspection fees, etc., and declaring an emergency."

H. C. R. No. 82, Directing the State Board of Cosmetology to continue its policy of refusing a license to the same party to operate both a beauty school and a beauty parlor within the same building, and providing that parties now in operation under these conditions be given due notice and requested to discontinue such practice.

H. C. R. No. 86, Extending an invitation to the Choir of the Texas State College for Women, Denton, to appear in concert before a Joint Session of the two Houses at 11:50 a. m. on the morning of Friday, April 14, 1939, in the Hall of the House of Representatives.

H. C. R. No. 87, Authorizing the Enrolling Clerk of the House to make certain corrections in H. B. No. 310.

S. C. R. No. 18, Granting permission to John Bagwell and wife to sue the State, etc.

S. C. R. No. 34, Expressing appreciation to the publishers of Life Magazine for the wonderful pictorial representation of our State.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

### Bills and Resolutions Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

H. B. No. 585, "An Act to reorganize the One Hundred and Fourth Judicial District of the State of Texas; and to prescribe the time, and fix the terms of holding the Courts in the several counties thereof; and to conform all writs and process from such court to such changes, and to make all process issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of court in the several counties of said district as herein fixed, and to validate old process; and to validate the summoning of Grand and Petit Jurors and Juries; repealing all laws and parts of laws in conflict herewith; and fixing the time when this Act shall become effective; and declaring an emergency."

H. B. No. 666, "An Act to declare it unlawful to take, hunt, trap, ensnare, kill, or attempt to kill by any means whatsoever any pheasants, blue quail or bob white in Comanche County for a period of four (4) years from and after the passage of this Act; providing for the protection of crops and gardens being destroyed by pheasants, blue quail or bob whites; providing a penalty therefor, and declaring an emergency."

H. B. No. 565, "An Act to amend Section 3 of Chapter 506 of the General Laws of the State of Texas passed at the Regular Session of the Forty-fifth Legislature providing for parties and procedure in tax suits; and providing for persons owning property or an interest therein whose names are unknown to be made parties in such suits under designation of 'Unknown Owner or Owners' of such property; providing for heirs of deceased persons whose names are unknown to be made parties to such suits under designation of 'Unknown Heirs' of such deceased person; providing for citation and service upon defendants in such suits whose residence is known and upon absent and non-resident defendants; and providing for notice to be given by publication or posting and prescribing the form and manner of giving such notice, in cases where defendants in



such suits are non-residents of the State, and where the names of owners are unknown to the attorney filing the suit, and where defendants are the heirs of deceased person and their names are unknown; and providing that citation or notice on behalf of any taxing unit shall require all parties to the suit to plead and answer all pleadings then on file or thereafter filed by any party to the suit, and declaring an emergency."

H. B. No. 552, "An Act conveying the title of the State of Texas to Lot No. 8 in Block No. 38 of the original townsite of Rosenberg, Fort Bend County, Texas, according to the plat of said town, appearing of record in Volume P, pages 146 and 147 of the Deed Records of Fort Bend County, Texas, acquired by the State under tax sale to Mrs. Thelma Moers Forster, to her separate use and benefit, and declaring an emergency."

H. B. No. 674, "An Act providing for compensation of County Auditors in certain counties, and declaring an emergency."

H. B. No. 670, "An Act amending Article 2691a, Revised Civil Statutes of 1925; to provide for a rural school supervisor in counties having a population of forty-six thousand, one hundred (46,100) to forty-six thousand, two hundred (46,200); repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 812, "An Act providing the amount of traveling and office expenses that shall be allowed by the Bounty Board of Trustees to the County Superintendent of Public Instruction for the expenditures for traveling and office expenses in certain counties, according to the last preceding Federal Census or any subsequent Federal Census; repealing all laws and parts of laws in conflict herewith to the extent of the conflict only, and declaring an emergency."

H. B. No. 718, "An Act to amend Article 3740 of Title 55 of the Revised Civil Statutes of Texas of 1925, relating to notice by publication in the taking of depositions of witnesses in civil cases, and declaring an emergency."

H. B. No. 719, "An Act to amend Article 6085 of Title 104 of the Re-

vised Civil Statutes of Texas of 1925, relating to the publication of citation where defendant is unknown, and declaring an emergency."

H. B. No. 797, "An Act creating a Special Road Law for Zapata County, Texas, providing that said county may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of January 1, 1939, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said county, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict, and declaring an emergency."

H. B. No. 745, "An Act amending Article 7047 (6) of the Acts, First Called Session, 1897; page 49; Acts, 1931, Forty-second Legislature, page 355, Chapter 212, Section 1, [relating to license fees on auctioneers] and declaring an emergency."

H. B. No. 617, "An Act to amend Chapter 83, S. B. No. 179, of the General Laws passed by the Forty-first Legislature of the State of Texas at its Second Called Session, as amended by H. B. No. 291, Chapter 244, of the General Laws, passed by the Forty-fifth Legislature of Texas at its Regular Session by providing in Section 4 of said Act that credit for three (3) hours of military science as provided in an approved senior R.O.T.C. unit may be substituted for three hours of government as specified in the Act, and declaring an emergency."

H. B. No. 807, "An Act ratifying, confirming, and validating all acts of County Boards of Trustees in ordering an election for the purpose of laying out, establishing, combining, abolishing, or changing any independent or common school districts, and all elections held in any county in this State for the purpose of laying out, establishing, combining, abolishing, or changing any such inde-

pendent or common school districts; and ratifying, confirming and validating an election of any independent school district held for the purpose of authorizing the issuance of bonds and levying a tax for the payment of said bonds where there has been in the election proceedings of such election in the petition for election, order of the School Board for such election, notice of election and order declaring the results thereof certain errors and irregularities; providing that this Act shall not affect other districts which may be involved in litigation at the effective date of this Act, and declaring an emergency."

H. B. No. 566, "An Act authorizing persons residing in County Line School Districts and who are otherwise qualified voters to vote for County School Trustees of the county having management and control of such County Line School District, even though such voters reside in that portion of the County Line District lying outside of the county having management and control of the County Line District; repealing all laws and parts of laws in conflict herewith to the extent of such conflict, and declaring an emergency."

H. B. No. 683, "An Act defining a Commercial Fisherman; providing for a license for any person, firm or corporation operating as such; providing for the issuance of non-residence licenses; defining the coastal waters over which the State of Texas has jurisdiction; providing for a penalty; providing for the enforcement of this Act, and declaring an emergency and effective date of this Act."

H. B. No. 413, "An Act providing that all Ordinances hereinafter enacted by Home Rule Cities in the State of Texas, organized and operating under the Home Rule Amendment to the Constitution of the State of Texas, and the provisions of Title 28, Chapter 13, of the Revised Civil Statutes of Texas, 1925, shall be published as provided in the charters of such cities, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 380, "An Act applying to counties which have a population of five thousand, five hundred and eighty-six (5,586) in the Federal Census of 1930 and a scholastic population of

one thousand, six hundred and ninety-four (1,694) in the scholastic year 1938-1939, and providing exemptions relative to tax rates, and declaring an emergency."

H. B. No. 379, "An Act amending Section 1 of H. B. No. 1002, Chapter 363, of the General and Special Laws of the Forty-fifth Legislature, Regular Session, 1937, and Section 4 of Chapter 362, General Laws of the Forty-fourth Legislature, Regular Session, as amended by Chapter 195, General and Special Laws, Forty-fifth Legislature, Regular Session, relating to compensation of County Commissioners in certain counties; providing a saving clause; repealing all laws in conflict; and declaring an emergency."

H. B. No. 47, "An Act to amend Article 2462, Revised Civil Statutes of 1925, as amended by Acts of the Forty-first Legislature, Regular Session, Chapter 17, page 46, Section 1, providing for the receiving, lending, and investing of funds of Credit Unions, and the regulating thereof; and amending Article 2475, Revised Civil Statutes of 1925, as amended by Act of 1929, Forty-first Legislature, Regular Session, Chapter 17, page 46, providing for the lending of the capital, deposits and surplus funds of the Association and the deposit thereof; and amending Article 2477, Revised Civil Statutes of 1925, as amended by Act of 1929, Forty-first Legislature, Regular Session, Chapter 17, page 46, Section 1, providing the conditions under which loans may be made by Credit Unions; and amending Article 2484, Revised Civil Statutes of 1925, as amended by Act of 1929, Forty-first Legislature, Second Called Session, Chapter 85, page 168, Section 1, as amended by Act of 1937, Forty-fifth Legislature, Regular Session, Chapter 117, page 217, Section 1, providing for reports to the Banking Commissioner, and the fees therefor, and providing for a penalty for failure to file such reports; and providing for certain exemptions from taxation, and declaring an emergency."

H. B. No. 269, "An Act to amend Article 5517 of Title 91 of the Revised Civil Statutes, 1925, of the State of Texas, so as to provide that the right of the State shall be barred by any of the provisions of this title, and to provide that no person shall

ever acquire, by occupancy or adverse possession, any right or title to any part or portion of any road, street, alley, sidewalk or grounds belonging to any town, city or county, or which has been donated or dedicated for public use in any such town, city or county by the owner thereof, or which has been laid out or dedicated in any manner to public use in any town, city or county in this State, and declaring an emergency."

H. B. No. 158, "An Act to amend Article 336, Title 54, of the Revised Civil Statutes of the State of Texas, Revision of 1925 as amended, validating the acts of probate courts in certain cases, and declaring an emergency."

H. B. No. 230, "An Act repealing Chapter 21 of the Laws of the Forty-fourth Legislature, Regular Session, being House Bill No. 874, pages 1185 and 1186 of the General and Special Laws of the Forty-fourth Legislature, Regular Session, and declaring an emergency."

H. B. No. 414, "An Act validating all Ordinances of Home Rule Cities in Texas incorporated under and operating under the provisions of the Home Rule Amendment to the Constitution of the State of Texas and under Title 28, Chapter 13 of the Revised Civil Statutes of Texas, 1925, where such Ordinances have been passed in compliance with the charters of such Home Rule Cities and have been published, as provided in such charters, where such charters require same to be published, and declaring an emergency."

H. B. No. 438, "An Act authorizing the County Judge to employ a stenographer or clerk in any county having a population of not more than ten thousand, four hundred and ninety-nine (10,499), and not less than ten thousand three hundred and ninety-nine (10,399) inhabitants, according to the last preceding census; making salary of same; providing for payment of salary; providing for removal, and declaring an emergency."

H. B. No. 450, "An Act to amend Article 5922 of the Revised Civil Statutes of Texas, 1925, with reference to the petition and hearing for removal of disabilities of minors, and declaring an emergency."

H. B. No. 472, "An Act establishing a County Law Library in each county in this State having an area of not less than one thousand, one hundred and thirty (1,130) and not more than one thousand, five hundred (1,500) square miles, and with a population according to the last Federal Census of not less than eleven thousand, three hundred (11,300) and not more than twelve thousand, five hundred (12,500), and whose County Seat is in a city having a population of not less than two thousand, two hundred (2,200) and not more than three thousand (3,000) according to the last Federal Census; providing a fund to be administered by the Commissioners' Court of such counties, and to be raised by collecting One Dollar (\$1.00) as cost in each case filed in the District and County Courts to such counties, except such fee shall not be collected or charged in delinquent tax suits, but shall include all civil and criminal cases filed on the dockets of the respective courts as hereinabove set out, providing however that the County shall in no event be liable for any cost in any civil or criminal case; providing for a custodian, a librarian and salaries therefor; providing for housing and management; providing this Act shall not affect any other law now in effect with respect to any other County, and declaring an emergency."

H. B. No. 534, An Act providing an open season for mourning doves in Ellis County, and providing that other laws of this State with reference to taking mourning doves shall apply in Ellis County; fixing a penalty for violation of this Act; repealing all laws in so far as they conflict with this Act, and declaring an emergency."

H. B. No. 336, "An Act making an emergency appropriation to supplement an appropriation made by the Regular Session of the Forty-fifth Legislature for the fiscal year ending August 31, 1939, found on page 1368, Acts of the Regular Session of the Forty-fifth Legislature; said appropriation is to pay the salaries and other expenses of the inspection work incident to the eradication of the Pink Bollworm, under the provisions of Chapter 3, Title 4, Revised Civil Statutes of Texas, 1939, known as the Pink Bollworm Law, and amendments thereto, and declaring an emergency."

H. B. No. 49, "An Act amending Articles 3704, 3705, 3706, 3707, 3709, 3711 and 3738 of the Revised Civil Statutes of 1925; providing for the issuance of subpoenas in civil cases; providing for the style and form of such subpoenas; providing that all witnesses so summoned shall be required to attend court in obedience thereto, and that failing to so attend, any such witness may be fined by the Court as for a contempt of court, and an attachment may issue against the body of such witness to compel attendance; providing that any witness refusing to give evidence may be committed to jail, there to remain without bail until such witness shall consent to give evidence; providing for the taking of depositions of witnesses in civil suits, and that the failure to obtain the deposition of any witness, male or female, residing in the County in which the suit is pending, shall not be regarded as want of diligence where diligence has been used to secure the personal attendance of any such witness by the service of a subpoena or attachment, and declaring an emergency."

H. C. R. No. 85, Authorizing the Enrolling Clerk of the House to make certain changes in H. B. No. 336.

H. C. R. No. 84, A resolution authorizing correction of H. B. No. 74.

H. C. R. No. 41, Endorsing the plan for a National Patriotic Revival, and authorizing and requesting the Governor to direct and arrange suitable observance of Flag Week.

H. C. R. No. 53, Granting permission to S. W. Knox and his wife, Dora Knox, to bring suit against the State of Texas, and against the Highway Department of the State of Texas, in any Court of competent jurisdiction in Van Zandt County, Texas.

H. C. R. No. 83, Granting permission to the Hon. Few Brewster of the Twenty-seventh Judicial District of the State of Texas to be absent from the State at intervals during the years 1939 and 1940.

#### Senate Bill 167 on Engrossment

The Senate resumed consideration of pending business, same being S. B. No. 167, creating a School Land

Board, on its passage to engrossment.

Question—Shall the bill be passed to engrossment?

On motion of Senator Moffett, further consideration of the bill was postponed until 10:30 o'clock a. m., Friday, April 14, 1939.

#### Senate Joint Resolution 3 on Third Reading

The President laid before the Senate on its third reading and final passage:

S. J. R. No. 3, Proposing to amend the Constitution of the State of Texas, by adopting a new section, which shall provide that the Court of Criminal Appeals of Texas, may sit at any time during the year for the transaction of business, and that its term shall begin and end with each calendar year; repealing existing provisions in conflict therewith; providing for the holding of an election; prescribing the form of ballot; directing the Governor to issue the necessary proclamation; and making an appropriation.

The resolution was read third time.

The Senate refused to pass the resolution by the following vote:

#### Yeas—13

Aikin	Roberts
Beck	Stone
Brownlee	of Washington
Lanning	Sulak
Metcalfe	Van Zandt
Moffett	Weinert
Moore	Winfield

#### Nays—14

Collie	Pace
Cotten	Redditt
Graves	Shivers
Hardin	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lemens	

#### Absent

Burns	Martin
Head	

#### Absent—Excused

Nelson

**Minority Report on House Bill 640  
Adopted**

Senator Moore moved that the minority report on H. B. No. 640 be adopted in lieu of the majority report on the bill.

The motion prevailed by the following vote:

**Yeas—22**

Aikin	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Hardin	Small
Isbell	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	Stone
Martin	of Washington
Moffett	Van Zandt
Moore	Winfield

**Nays—2**

Graves	Sulak
--------	-------

**Present—Not Voting**

Cotten	Hill
--------	------

**Absent**

Beck	Metcalf
Head	Weinert

**Absent—Excused**

Nelson

**Senate Bill 36 on Third Reading**

The President laid before the Senate on its third reading and final passage:

S. B. No. 36, A bill to be entitled "An Act creating and establishing the State Board of Public Welfare; Providing for its members to furnish bond; setting the compensation for each member; providing for the selection of an Executive Director; fixing the compensation and specifying the duties of the director; providing for the creation of the divisions of the State Department of Public Welfare; providing for assistance to the needy blind; providing for assistance to needy dependent children; and declaring an emergency."

The bill was read third time.

Senator Roberts offered the following amendment to the bill:

Amend S. B. No. 36 by striking out all of Section 4.

**ROBERTS,  
MOORE.**

The amendment was adopted unanimously.

The bill was passed by the following vote:

**Yeas—25**

Beck	Redditt
Brownlee	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Sulak
Metcalf	Van Zandt
Moffett	Weinert
Moore	Winfield
Pace	

**Nays—4**

Aikin	Hardin
Burns	Hill

**Absent**

Head

**Absent—Excused**

Nelson

**Senate Bill 131 on Third Reading**

The President laid before the Senate on its third reading and final passage:

S. B. No. 131, A bill to be entitled "An Act prohibiting escapes from any jail and providing a penalty, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill was read third time and was passed by the following vote:

**Yeas—22**

Brownlee	Moore
Collie	Redditt
Graves	Roberts
Hardin	Shivers
Head	Small
Hill	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	Stone
Martin	of Washington
Metcalf	Sulak
Moffett	Winfield

## Nays—7

Aikin	Isbell
Beck	Pace
Burns	Van Zandt
Cotten	

## Absent

Weinert

## Absent—Excused

Nelson

## Senate Bill 155 on Third Reading

The President laid before the Senate on its third reading and final passage:

S. B. No. 155, A bill to be entitled "An Act, providing that it shall be unlawful to hunt, take, kill, pursue, catch, possess, buy or sell any game bird, game animal, fish, shrimp, oyster, crabs, diamond back terrapin, fur-bearing animal, or attempt to do so by any means, method or device, other than such as may hereafter be permitted; repealing all laws relating thereto, excepting certain laws; providing that the Game, Fish and Oyster Commission shall make certain defined studies determining certain specified information, and on such basis grant privileges that may be justified; prescribing the method of issuing such Proclamation; providing for a Shooting Preserve Manager's License; defining a Shooting Preserve and the rights and privileges in connection therewith; fixing the price of a Shooting Preserve Manager's License, and the fees to be collected by such Manager and other regulations appertaining to a Shooting Preserve; providing for a resident hunting license and a non-resident hunting license, the fees to be charged for same and certain exemptions and other regulations appertaining to licensed hunting; providing for an Angler's License and the fee for same; providing for the disposition of monies collected under the provisions of this Act; providing for the repeal of certain laws in conflict with the provisions of this Act; providing a suitable penalty for violation of any provision of this Act; providing a rule of construction and declaring an emergency."

The bill was read third time.

The roll was called on the passage of the bill, and the vote announced, yeas 15, nays 15.

The President voted yea, and the bill was passed by the following vote:

## Yeas—16

Mr. President	Shivers
Graves	Small
Isbell	Spears
Kelley	Stone
Lemens	of Galveston
Martin	Stone
Moore	of Washington
Pace	Van Zandt
Roberts	Winfield

## Nays—15

Aikin	Hill
Beck	Lanning
Brownlee	Metcaife
Burns	Moffett
Collie	Redditt
Cotten	Sulak
Hardin	Weinert
Head	

## Absent—Excused

Nelson

## Report of Conference Committee on House Bill 20

Senator Sulak submitted at this time the following report of the Conference Committee on H. B. No. 20:

Austin, Texas,  
April 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed to adjust the differences between the two Houses on H. B. No. 20, recommend that the bill be passed in form and text as submitted herewith.

Respectfully submitted,

ROBERTS,  
SULAK,  
AIKIN,  
REDDITT,  
LEMENS,

On the part of the Senate.

RAGSDALE,  
TARWATER,  
FUCHS,  
SCHUENEMANN,

On the part of the House.

By Ragsdale, et al.

H. B. No. 20

A BILL  
TO BE ENTITLED

An Act to be known as the "State Soil Conservation Act," reciting the legislative determination and declaration of policy; describing the consequence of soil erosion and the depletion of the fertility of the soil; reciting appropriate corrective methods; defining certain words and phrases used in this Act; establishing the State Soil Conservation Board; establishing five (5) State Districts, by conventions called by the Governor of the State, from which members of the State Soil Conservation Board are to be elected; defining the powers and duties of said members acting through and for said State Soil Conservation Board; providing for precinct conventions for the purpose of the establishing of County Soil Conservation Advisory Committees; defining the duties and compensation of the members thereof; providing for the compensation of members of the State Soil Conservation Board; providing for the method by which vacancies on the State Soil Conservation Board shall be filled; providing for the creation of Soil Conservation Districts within certain limits of total area; providing the manner of selection of the Supervisors of said Soil Conservation Districts; defining the powers, duties, and compensation of said Supervisors acting for and through such Soil Conservation Districts; providing for the removal of Supervisors; providing that vacancies shall be filled by election of Supervisors; providing for a Board of Adjustment of three (3) members and fixing the method of appointment, the term of office, the duties, and compensation of Board of Adjustment members; providing for removal of officers under certain conditions and the filling of vacancies; providing that the State Treasurer shall act as the Treasurer for the State Soil Conservation Board; prescribing the duties of the State Treasurer with reference to funds of the Board; providing for a biennial audit and report to be made to the Governor of the State by the State Soil Conservation Board; providing for an appropriation to be

made for the use of the State Board; providing the proper method of enforcement of such programs and regulations as may be promulgated by the several Districts described herein; providing method by which Soil Conservation Districts may be discontinued; repealing Senate Bill No. 227, Regular Session, Forty-fourth Legislature, page 504; providing that House Bill No. 13, Acts of the Forty-second Legislature, Regular Session and House Bill No. 978, Regular Session Forty-fourth Legislature, and Senate Bill No. 386, Acts of the Forty-fifth Legislature, Regular Session, shall be specifically preserved; providing that this Act shall be supplementary and complementary to all present laws, except those specifically repealed by this Act; providing this Act shall not impair nor impinge upon the rights, powers, and functions of certain Districts; providing separability clause; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Short Title.

This Act may be known and cited as the "State Soil Conservation Law."

Sec. 2. Legislative Determinations, and Declaration of Policy.

It is hereby declared, as a matter of Legislative Determination:

(a) The condition. That the farm and grazing lands of the State of Texas are among the basic assets of the State and that the preservation of these lands is necessary to protect and promote the health, safety, and general welfare of its people; that improper land-use practices have caused and have contributed to, and are now causing and contributing to, a progressively more serious erosion of the farm and grazing lands of this State by wind and water; that the breaking of natural grass, plant, and forest cover have interfered with the natural factors of soil stabilization, causing loosening of soil and exhaustion of humus, and developing a soil condition that favors erosion; that the topsoil is being blown and washed out of fields and pastures; that there has been an accelerated washing of sloping fields; that these processes of erosion by wind and water speed up with removal of absorptive topsoil, causing exposure of less absorptive and less protective but more erosive subsoil; that failure by any occupier

of land to conserve the soil and control erosion upon such land causes a washing and blowing of soil and water from such lands onto other lands and makes the conservation of soil and control of erosion on such other lands difficult or impossible.

(b) The Consequences. That the consequences of such soil erosion in the form of soil-blowing and soil-washing are the silting and sedimentation of stream channels, reservoirs, dams, ditches, and harbors; the loss of fertile soil material in dust storms; the piling up of soil on lower slopes, and its deposit over alluvial plains; the reduction in productivity or outright ruin of rich bottom lands by overwash of poor subsoil material, sand, and gravel swept out of the hills; deterioration of soil and its fertility, deterioration of crops grown thereon, and declining acre yields despite development of scientific processes for increasing such yields; loss of soil and water which causes destruction of food and cover for wildlife; a blowing and washing of soil into streams which silts over spawning beds, and destroys water plants, diminishing the food supply of fish; a diminishing of the underground water reserve, which causes water shortages, intensifies periods of drought, and causes crop failures; an increase in the speed and volume of rainfall run-off, causing severe and increasing floods, which bring suffering, disease, and death; impoverishment of families attempting to farm eroding and eroded lands; damage to roads, highways, railways, farm buildings, and other property from floods and from dust storms; and losses in navigation, hydro-electric power, municipal water supply, irrigation developments, farming, and grazing.

(c) The Appropriate Corrective Methods. That to conserve soil resources and control and prevent soil erosion, it is necessary that land-use practices contributing to soil wastage and soil erosion may be discouraged and discontinued, and appropriate soil-conserving land-use practices be adopted and carried out; that among the procedures necessary for widespread adoption, are the carrying on of engineering operations such as the construction of terraces, terrace outlets, check dams, dikes, ponds, ditches, and the like; the utilization of strip cropping, lister furrowing, contour cultivating, and contour furrowing; land irrigation, seeding and planting

of waste, sloping, abandoned, or eroded lands to water-conserving and erosion-preventing plants, trees, and grasses; forestation and reforestation; rotation of crops, soil stabilization with trees, grasses, legumes, and other thick-growing, soil-holding crops, retardation of run-off by increasing absorption of rainfall; and retirement from cultivation of steep, highly erosive areas and areas now badly gullied or otherwise eroded.

(d) Declaration of Policy. It is hereby declared to be the policy of the Legislature to provide for the conservation of soil and soil resources of this State, and for the control and prevention of soil erosion, and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety, and general welfare of the people of this State, and thus to carry out the mandate expressed in Article XVI, Section 59a, of the Constitution of Texas. It is further declared as a matter of Legislative intent and determination of policy that the agencies created, powers conferred and the activities contemplated in this Act for the conservation of soil and water resources and for the reduction of public damage resulting from failure to conserve such natural resources, shall be supplementary and complementary to the work of various river and other authorities now established in the State and to other State officers, agencies, and districts engaged in closely related projects, and shall not be duplicative thereof nor conflicting therewith.

### Sec. 3. Definitions.

Wherever used or referred to in this Act, unless a different meaning clearly appears from the context:

(1) "District" or "Soil Conservation District" means a governmental subdivision of this State, and a public body corporate and politic, organized in accordance with the provisions of this Act, for the purposes, with the powers, and subject to the restrictions hereinafter set forth.

(2) "State District" means one of the five (5) districts established as provided in Section 4, Subsection A of this Act.

(3) "Supervisor" means one of the members of the governing body of a



district, elected or appointed in accordance with the provisions of this Act.

(4) "Board" or "State Soil Conservation Board" means the agency created in Section 4 of this Act.

(5) "County Soil Conservation Advisory Committee" means the committee elected in each county of the State as provided in Section 4, Subsection B, of this Act.

(6) "Petition" means a petition filed under the provisions of Subsection A of Section 5 of this Act for the creation of a district.

(7) "Nominating Petition" means a petition filed under the provisions of Section 6 of this Act to nominate candidates for the office of Supervisor of Soil Conservation District.

(8) "State" means the State of Texas.

(9) "Agency of this State" includes the Government of this State and any subdivision, agency, or instrumentality, corporate or otherwise, of the Government of this State.

(10) "United States" or "Agencies of the United States" includes the United States of America, the Soil Conservation Service of the United States Department of Agriculture, and any other agency or instrumentality, corporate or otherwise, of the United States of America.

(11) "Government" or "Governmental" includes the Government of this State, the Government of the United States, and any subdivision, agency, or instrumentality, corporate or otherwise of either of them.

(12) "Landowner" or "Owner of Land Lying Outside of Incorporated Cities and Towns" includes any person who holds legal or equitable title of any lands lying within a Soil Conservation District organized under the provisions of this Act and who is a duly qualified voter within such District.

(13) "Board of Adjustment" means the agency appointed in accordance with the provisions of Section 10 of this Act.

(14) "Due Notice" means notice published at least twice, with an interval of at least seven (7) days between the two (2) publication dates, in a newspaper or other publication of general circulation within the appropriate area, or if no such publication of general circulation be available, by posting at a reasonable number of conspicuous places within the appropriate area, such posting to in-

clude, where possible, posting at public places where it may be customary to post notices concerning county or municipal affairs, generally. At any hearing held pursuant to such notice, at the time and place designated in such notice, adjournment may be made from time to time without the necessity of renewing such notice for such adjourned dates.

#### Sec. 4. State Soil Conservation Board.

A. There is hereby established to serve as an agency of the State and to perform the functions conferred on it in this Act, The State Soil Conservation Board. The Board will consist of five (5) members. The following shall serve in an advisory capacity to the Board: The President of Agricultural and Mechanical College of Texas, the President of Texas Technological College, the Director of Vocational Agriculture of Texas, the State Commissioner of Agriculture and the State Coordinator of the Soil Conservation Service of the United States Department of Agriculture. The five (5) elective members of the Board shall be selected as follows: The State of Texas is hereby divided into five (5) State Districts for the purpose of selecting five (5) members of the State Soil Conservation Board. These five (5) State Districts shall be composed as follows:

State District No. 1, comprising fifty-one (51) counties: Dallam, Dawson, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, Briscoe, Hall, Childress, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Hardeman, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Gaines, Borden, Scurry, Fisher, Foard.

State District No. 2, comprising fifty-one (51) counties: Andrews, Martin, Howard, Mitchell, Nolan, Taylor, Runnels, Coke, Sterling, Glasscock, Midland, Ector, Winkler, Loving, Reeves, Culberson, Hudspeth, El Paso, Jeff Davis, Presidio, Brewster, Pecos, Terrell, Ward, Crane, Upton, Reagan, Irion, Tom Green, Concho, McCulloch, San Saba, Mason, Llano, Blanco, Gillespie, Crockett, Schleicher, Menard, Sutton, Kimble, Val Verde, Edwards, Real, Kerr, Kendall, Bandera, Uvalde, Medina, Kinney, Maverick.

State District No. 3, comprising fifty (50) counties: Burleson, Lee, Bastrop, Travis, Hays, Comal, Guadalupe, Caldwell, Fayette, Washington, Austin, Colorado, Lavaca, Gonzales, Wilson, Bexar, DeWitt, Jackson, Wharton, Fort Bend, Brazoria, Matagorda, Calhoun, Refugio, Bee, Karnes, Live Oak, Atascosa, McMullen, LaSalle, Frio, Duval, Dimmit, Webb, Zapata, Jim Hogg, Starr, Brooks, Hidalgo, Cameron, Willacy, Kenedy, Kleberg, Nueces, San Patricio, Aransas, Jim Wells, Zavala, Goliad, Victoria.

State District No. 4, comprising fifty-one (51) counties: Lamar, Red River, Bowie, Delta, Hopkins, Franklin, Titus, Morris, Cass, Marion, Camp, Upshur, Wood, Rains, Van Zandt, Smith, Gregg, Harrison, Henderson, Cherokee, Rusk, Panola, Shelby, Nacogdoches, Anderson, Freestone, Leon, Robertson, Brazos, Madison, Grimes, Waller, Houston, Walker, Trinity, Angelina, San Augustine, Sabine, Newton, Jasper, Tyler, Polk, San Jacinto, Montgomery, Harris, Liberty, Hardin, Orange, Jefferson, Chambers, Galveston.

State District No. 5, comprising fifty-one (51) counties: Wilbarger, Wichita, Clay, Montague, Cooke, Grayson, Fannin, Hunt, Collin, Denton, Wise, Jack, Archer, Taylor, Knox, Haskell, Stephens, Throckmorton, Young, Jones, Shackelford, Palo Pinto, Rockwall, Kaufman, Ellis, Parker, Tarrant, Dallas, Johnson, Hood, Somervell, Erath, Eastland, Callahan, Coleman, Brown, Comanche, Mills, Hamilton, Bosque, Hill, Navarro, Limestone, McLennan, Falls, Milam, Bell, Williamson, Burnet, Lampasas, Coryell.

B. The Commissioners' Court of each county within thirty (30) days after this Act becomes effective, shall call a meeting or convention of the landowners in each precinct at a place and time for each precinct to be designated by the Commissioners' Court, for the purpose of electing a member of the County Soil Conservation Advisory Committee. A majority of the landowners in such precinct present at such meeting shall be necessary to elect such member of the County Soil Conservation Advisory Committee. Each member so elected shall be a landowner of the precinct from which he is elected and shall be actively engaged in the business of farming or animal husbandry.

The Commissioner of each precinct shall act as Chairman of the meeting

in such precinct. If said Commissioner is absent the landowners of such precinct present shall elect an acting Chairman from among their number who shall preside at said meeting.

The name of the members so elected shall be certified to the County Judge who shall, within five (5) days, officially notify the person so elected that he has been elected as a member of such Advisory Committee.

The County Soil Conservation Advisory Committee shall select one of its members as Chairman, who shall have authority to cast an additional vote in case of a tie and shall be charged with the usual and customary duties of a presiding officer. A majority of the members shall constitute a quorum and the concurrence of a majority of such quorum in any matter within their jurisdiction shall be required for final determination.

Vacancies upon the County Soil Conservation Advisory Committee shall be filled for an unexpired term, or for a full term, by the same manner in which the retiring members were respectively selected.

Members of a County Soil Conservation Advisory Committee shall receive no compensation for their services except the delegate to the District Convention who shall receive the amount incurred as necessary expenses and Four Dollars (\$4) per day not to exceed two (2) days to be paid by the State Soil Conservation Board created herein.

The first County Soil Conservation Advisory Committee elected in each county shall be elected to serve as follows:

1. Precincts 1 and 3 in each county shall each elect a Committee member to serve for a period ending the first Tuesday in January, 1940, or until their successors are elected and have qualified. Biennially thereafter on the first Tuesday in January new members shall be elected as hereinabove provided and shall serve for a term of two (2) years.

2. Precincts 2 and 4 in each county shall each elect a Committee member to serve for a period ending the first Tuesday in January, 1941, or until their successors are elected and have qualified. Biennially thereafter on the first Tuesday in January new members shall be elected as hereinabove provided and shall serve for a term of two (2) years.

C. The County Soil Conservation Advisory Committee in each county shall elect one of its number as a delegate to attend the State District Conservation Convention which shall be held within each State District, at a time and place designated by the Governor of the State of Texas, said date to be not later than forty-five (45) days after the effective date of this Act, and each State District Convention shall elect from among the qualified delegates present, by a majority vote, a member of the State Soil Conservation Board. A majority of all county delegates elected to the State District Convention shall constitute a quorum.

State Districts 1, 3 and 5 shall each elect a Board member to serve on the State Soil Conservation Board for a period ending the first Tuesday in February, 1942, or until their successors are elected and have qualified. Biennially thereafter on the first Tuesday in February, at a place within the District to be designated by the Governor of the State of Texas, new Board members shall be elected as hereinabove provided and shall serve for a term of two (2) years, or until their successors are elected and have qualified.

State Districts 2 and 4 shall each elect a Board member to serve on the State Soil Conservation Board for a period ending the first Tuesday in February, 1941, or until their successors are elected and have qualified. Thereafter on the first Tuesday in February, at a place within the district to be designated by the Governor of the State of Texas, new members shall be elected as hereinabove provided to serve for a term of two (2) years or until their successors are elected and have qualified.

D. The State Soil Conservation Board shall meet to organize at a time and place to be designated by the Governor of Texas, within ten (10) days following the election of such members, and shall thereafter meet from time to time as necessary. Each member of the State Soil Conservation Board shall take the State Constitutional Oath of office, and said State Soil Conservation Board shall designate one of its elective members to serve as Chairman and may from time to time change such designation.

Vacancies upon such Board shall be filled for an unexpired term or for

a full term, by the same manner in which the retiring members were respectively elected. Elective members of the Board may receive compensation for their services on the Board, not to exceed the sum of Ten Dollars (\$10) per diem for each day of actual service rendered, but each member shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties as members of the Board.

E. A majority of the elective members of the State Soil Conservation Board shall constitute a quorum and the concurrence of a majority of the elective members in any matter within their duties shall be required for its determination. The State Board shall keep a complete and accurate record of all its official actions, hold such public hearings at such times and places within the State as may be determined by the Board, and shall promulgate such rules and regulations as may be necessary for the performance of the functions of said Board under the provisions of this Act. The Board shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property, which bonds shall be executed by some solvent company authorized to transact a surety business in this State.

F. The State Soil Conservation Board may employ an administrative officer and such other agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation, according to the terms and amounts as specified in the general appropriation bills. The Board may call upon the Attorney General of the State for such legal services as it may require, or may employ its own counsel and legal staff. It shall have authority to delegate to its Chairman, to one or more of its members, or to one or more agents or employees, such powers and duties as it may deem proper. It shall have authority to locate its office at a point to be selected by the Board.

G. In addition to the duties and powers hereinafter conferred upon the State Soil Conservation Board, it shall have the following duties and powers:

(1) To offer such assistance as may be appropriate to the supervisors of Soil Conservation Districts, organized as provided hereinafter, in the

carrying out of any of the powers and programs.

(2) To coordinate the programs of the several Soil Conservation Districts organized hereunder so far as this may be done by advice and consultation.

(3) To secure the cooperation and assistance of the United States and any of its agencies, and of agencies of this State, in the work of such districts.

(4) To disseminate information throughout the State concerning the activities and programs of the Soil Conservation Districts organized hereunder, and to encourage the formation of such districts in areas where their organization is desirable.

H. The State Treasurer shall have the care and custody of all funds and securities of the State Board and shall be liable on his official bond for the lawful care, custody, application and disbursement thereof. Any funds coming into the hands of the Treasurer of this State, as hereinafter provided, shall be by him credited to a special fund to be known as the State Soil Conservation Fund and the moneys hereafter deposited or credited in such fund are hereby appropriated to the use and benefit of the State Soil Conservation Board, as may be by said Board used in compliance with this Act. The Board shall provide and furnish a biennial audit by a State Auditor and Efficiency Expert and a report to the Governor of the State.

Sec. 5. Creation of Soil Conservation Districts.

A. Any fifty (50) or a majority of the landowners within the limits of that territory proposed to be organized into a district may file a petition with the State Soil Conservation Board asking that a Soil Conservation District be organized to function in the territory described in the petition. Such petition shall set forth:

(1) The proposed name of said district;

(2) That there is need, in the interest of the public health, safety, and welfare, for a Soil Conservation District to function in the territory described in the petition;

(3) A description of the territory proposed to be organized as a district, which description shall not be required to be given by metes and bounds or by legal subdivisions, but shall be deemed sufficient if generally ac-

curate; provided that no such district shall exceed in total area three thousand (3,000) square miles;

(4) A request that the State Soil Conservation Board duly define the boundaries of such district; that an election be held within the territory so defined on the question of the creation of a Soil Conservation District in such territory; and that the Board determine that such a district be created.

Where more than one petition is filed covering parts of the same territory, the State Soil Conservation Board may consolidate all or any such petitions.

B. Within thirty (30) days after such a petition has been filed with the State Soil Conservation Board, it shall cause due notice to be given of a proposed hearing upon the question of the desirability and necessity, in the interest of the public health, safety, and welfare, of the creation of such district, upon the question of the appropriate boundaries to be assigned to such district, upon the propriety of the petition and other proceedings taken under this Act, and upon all questions relevant to such inquiries. All owners of land within the limits of the territory described in the petition, and of lands within any territory considered for addition to such described territory, and all other interested parties, shall have the right to attend such hearings and to be heard. If it shall appear upon the hearing that it may be desirable to include within the proposed district territory outside of the area within which due notice of the hearing has been given, the hearing shall be adjourned and due notice of further hearing shall be given throughout the entire area considered for inclusion in the district, and such further hearing held. After such hearing, if the Board shall determine, upon the facts presented at such hearing and upon such other relevant facts and information as may be available, that there is need, in the interest of the public health, safety, and welfare, for a Soil Conservation District to function in the territory considered at the hearing, it shall make and record such determination, and shall define, by metes and bounds or by legal subdivisions, the boundaries of such district. In making such determination and in defining such boundaries, the Board shall give due

weight and consideration to the topography of the area considered and of the state, the composition of the soils therein, the distribution of erosion, the prevailing land-use practices, the desirability and necessity of including within the boundaries the particular lands under consideration and the benefits such lands may receive from being included within such boundaries, the relation of the proposed area to existing watersheds and agricultural regions, and to other Soil Conservation Districts already organized or proposed for organization under the provisions of this Act, and such other physical, geographical, and economic factors as are relevant, having due regard to the legislative determinations set forth in Section 2 of this Act. If the Board shall determine after such hearing, after due consideration of the said relevant facts, that there is no need for a Soil Conservation District to function in the territory considered at the hearing, it shall make and record such determination and shall deny the petition. After six (6) months shall have expired from the date of the denial of any such petition, subsequent petitions covering the same or substantially the same territory may be filed as aforesaid and new hearings held and determinations made thereon.

C. After the Board has made and recorded a determination that there is need, in the interest of the public health, safety, and welfare, for the organization of a district in a particular territory and has defined the boundaries thereof, it shall consider the question whether the operation of a district within such boundaries with the powers conferred upon Soil Conservation Districts in this Act is administratively practicable and feasible. To assist the Board in the determination of such administrative practicability and feasibility, it shall be the duty of the Board, within a reasonable time after entry of the finding that there is need for the organization of the proposed district and the determination of the boundaries thereof, to hold an election within the proposed district upon the proposition of the creation of the district, and to cause due notice of such election to be given, which notice shall set forth the boundaries of the proposed district. The question shall be submitted by ballots upon which the words, "For creation of a Soil Con-

servation District of the lands below described and lying in the county (ies) of ..... and ....., and "Against creation of a Soil Conservation District of the lands below described and lying in the county (ies) of ..... and ....., shall appear. All landowners within the boundaries of the territory as determined by the State Soil Conservation Board shall be eligible to vote in such election. Only such landowners shall be eligible to vote.

D. The Board shall pay all expenses for the issuance of such notices and the conduct of such hearings and elections, and shall supervise the conduct of such hearings and elections. It shall issue appropriate regulations governing the conduct of such hearings and elections, and providing for the registration prior to the date of the election of all eligible voters. All such elections held under the provisions of this Act shall be in conformity with the General Election Laws of this State, except as herein otherwise provided, and except that the ballot shall not be numbered or marked for identification purposes.

E. The Board shall publish the result of such election and shall thereafter consider and determine whether the operation of the district within the defined boundaries is administratively practicable and feasible. If the Board shall determine that the operation of such district is not administratively practicable and feasible, it shall record such determination and deny the petition. If the Board shall determine that the operation of such district is administratively practicable and feasible, it shall record such determination and shall proceed with the organization of the district in the manner hereinafter provided. In making such determination the Board shall give due regard to and weight to the attitudes of the owners of lands lying within the defined boundaries, the number of resident landowners eligible to vote in such election who shall have voted, the proportion of the votes cast in such election in favor of the creation of the district to the total number of votes cast, the approximate wealth and income of the landowners of the proposed district, the probable expense of carrying on erosion-control operations within such district, and such other economic and social factors as may be relevant to such determinations, having due regard to the legislative determinations

set forth in Section 2 of this Act, provided, however, that the Board shall not have authority to determine that the operation of the proposed district within the defined boundaries is administratively practicable and feasible unless at least two-thirds of the votes cast in the election upon the proposition of creating of the district shall have been cast in favor of the creation of such district.

F. If the Board shall determine that the operation of the proposed district within the defined boundaries is administratively practicable and feasible, it shall appoint two (2) supervisors to act until their successors shall be elected as provided hereinafter. Such appointed supervisors, together with the three (3) supervisors elected in accordance with the provisions of Section 6 of this Act shall be the governing board of the district. Such district shall be a governmental subdivision of this State and a public body corporate and politic, upon the taking of the following proceedings:

The two (2) appointed supervisors shall present to the Secretary of State an application signed by them, which shall set forth and such application need contain no detail other than the mere recitals: (1) That a petition for the creation of the district was filed with the State Soil Conservation Board pursuant to the provisions of this Act, and that the proceedings specified in this Act were taken pursuant to such petition; that the application is being filed in order to complete the organization of the district as a governmental subdivision and a public body corporate and politic under this Act; and that the Board has appointed them as supervisors; (2) The name and official residence of each of the supervisors, together with a certified copy of the appointments evidencing their right to office; (3) The term of office of each of the supervisors; (4) The name which is proposed for the district; and (5) The location of the principal office of the supervisors of the district. The application shall be subscribed and sworn to by each of the said supervisors before an officer authorized by laws of this State to take and certify oaths, who shall certify upon the application that he personally knows the supervisors and knows them to be the officers as affirmed in the application and that each has subscribed thereto in the officer's pres-

ence. The application shall be accompanied by a statement by the State Soil Conservation Board, which shall certify (and such statement need contain no detail other than mere recitals) that a petition was filed, notice issued, and hearing held as aforesaid; that the Board did duly determine that there is need, in the interest of public health, safety, and welfare, for a Soil Conservation District to function in the proposed territory and did define the boundaries thereof; that notice was given and an election held on the question of the creation of such district, and that the result of such election showed a two-thirds majority of the votes cast in such election to be in favor of the creation of the district; that thereafter the Board did duly determine that the operation of the proposed district is administratively practicable and feasible. The said statement shall set forth the boundaries of the district as they have been defined by the Board.

The Secretary of State shall examine the application and statement and, if he finds that the name proposed for the district is not identical with that of any other Soil Conservation District of this State or so nearly similar as to lead to confusion or uncertainty, he shall receive and file them and shall record them in an appropriate book of record in his office. If the Secretary of State shall find that the name proposed for the district is identical with that of any other Soil Conservation District in this State, or so nearly similar as to lead to confusion and uncertainty, he shall certify such fact to the State Soil Conservation Board, which shall thereupon submit to the Secretary of State a new name for the said district, which shall not be subject to such defects. Upon receipt of such new name, free of such defects, the Secretary of State shall record the application and statement, with the name so modified, in an appropriate book of record in his office. When the application and statement have been made, filed, and recorded, as herein provided, the district shall constitute a governmental subdivision of this State and a public body corporate and politic. The Secretary of State shall make and issue to the said supervisors a certificate, under the seal of the State, of the due organization of the said district, and shall record such certificate with the application

and statement. The boundaries of such district shall include the territory as determined by the State Soil Conservation Board as aforesaid, but in no event shall they include any area included within the boundaries of another Soil Conservation District organized under the provisions of this Act.

G. After six (6) months shall have expired from the date of entry of a determination by the State Soil Conservation Board that operation of a proposed district is not administratively practicable and feasible, and denial of a petition pursuant to such determination, subsequent petition may be filed as aforesaid, and action taken thereon in accordance with the provisions of this Act.

H. Petitions for including additional territory within an existing district may be filed with the State Soil Conservation Board, and the proceedings herein provided for in the case of petitions to organize a district shall be observed in the case of petitions for such inclusion. The Board shall prescribe the form for such petitions, which shall be as nearly as may be in the form prescribed in this Act for petitions to organize a district. Where the total number of landowners in the area proposed for inclusion shall be less than fifty (50), the petition may be filed when signed by a two-thirds majority of landowners of such area, and in such case no election need be held. In election upon petitions for such inclusion, all landowners within the proposed additional area shall be eligible to vote.

I. In any suit, action, or proceeding involving the validity or enforcement of, or relating to, any contract, proceeding, or action of the district, the district shall be deemed to have been established in accordance with the provisions of this Act upon proof of the issuance of the aforesaid certificate by the Secretary of State. A copy of such certificate duly certified by the Secretary of State shall be admissible in evidence in any such suit, action, or proceeding and shall be proof of filing and contents thereof.

Sec. 6. Method of Selection, Qualifications, and Tenure of Soil Conservation District Supervisors.

Within thirty (30) days after the date of issuance by the Secretary of State of a certificate of organization of a Soil Conservation District, nominating petitions may be filed with the

State Soil Conservation Board to nominate candidates for supervisors for such districts. The Board shall have authority to extend the time within which nominating petitions may be filed. No such nominating petition shall be accepted by the Board unless it shall be subscribed by ten (10) or more landowners within the boundaries of such district. Such landowners may sign more than one such nominating petition to nominate more than one candidate for supervisor. The Board shall give due notice of an election to be held for the election of supervisors for the district.

The names of all nominees on behalf of whom such nominating petitions have been filed within the time herein designated, shall appear, arranged in the alphabetical order of the surnames, upon ballots, with a direction to the voter to indicate the voter's preference for three (3) nominees by running a line through the names of nominees he shall desire to vote against. All landowners within the district shall be eligible to vote in such election. Only such landowners shall be eligible to vote. The three (3) candidates who shall receive the largest number, respectively, of the votes cast in such election shall be the elected supervisors for such district. The Board shall pay all the expenses of such election, shall supervise the conduct thereof in conformity with the General Election Laws of this State, except as herein otherwise provided, and except that the ballots shall not be numbered or marked for identification purposes; shall prescribe regulations governing the conduct of such election and the determination of the eligibility of voters therein, and shall publish the results thereof.

The governing body of the district shall consist of five (5) supervisors, composed of the three (3) supervisors elected as provided hereinabove, together with the two (2) supervisors provided for in Section 5 of this Act by the State Soil Conservation Board to serve for one term only, after which time their successors shall be elected in the same manner as other supervisors and for regular terms. All five (5) such supervisors shall be landowners in the district from which they are elected, and shall be actively engaged in the business of farming or animal husbandry.

The supervisors shall designate a Chairman and may, from time to time, change such designation. The term of office of each supervisor shall be three (3) years, except that the supervisors who are appointed shall be designated to serve for terms of one and two (2) years, respectively, from the date of their appointment. A supervisor shall hold office until his successor has been elected and has qualified. Vacancies shall be filled by election for the unexpired term. A majority of the supervisors shall constitute a quorum and the concurrence of a majority of the supervisors in any matter within their duties shall be required for its determination. A supervisor may receive compensation for service not to exceed Four Dollars (\$4) for each day he shall be in actual attendance upon the duties of the office within the district, not to exceed twenty (20) days in any one calendar year, and not to exceed Four Dollars (\$4) a day and necessary expenses incurred for services other than within the district, except by approval of the State Board.

The Supervisors may employ such officers, agents, and employees, permanent and temporary, as they may require, and shall determine their qualifications, duties, and compensation. The Supervisors may call upon the Attorney General of the State for such legal services as they may require. The Supervisors may delegate to their Chairman, to one or more supervisors, or to one or more agents or employees, such powers and duties as they may deem proper. The Supervisors shall furnish to the State Soil Conservation Board, upon request, copies of such ordinances, rules, regulations, orders, contracts, forms, and other documents as they shall adopt or employ, and such other information concerning their activities as it may require in the performance of its duties under this Act.

The Supervisors shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings of all resolutions, regulations, and orders issued or adopted and shall provide for an annual audit by a Certified Public Accountant of the accounts of receipts and disbursements. The State Board may demand and pay

the expenses of an audit at any time. Any supervisor may be removed by the State Soil Conservation Board upon notice and hearing, for neglect of duty or malfeasance in office or change of residence out of district but for no other reason.

The supervisor may invite the legislative body of any municipality or county located within or near the territory comprised within the district to designate a representative to advise and consult with the supervisors of the district on all questions of program and policy which may affect the property, water supply, or other interests of such municipality or county.

#### Sec. 7. Powers of Districts and Supervisors.

A Soil Conservation District organized under the provisions of this Act shall constitute a governmental subdivision of this State, and a public body corporate and politic, exercising public powers, and such district, and the supervisors thereof, shall have the following powers, in addition to others granted in other Sections of this Act:

(1) To carry out preventive and control measures within the district including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of land, and the measures listed in subsection C of Section 2, of this Act, on lands owned or controlled by this State or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the owners of such lands or the necessary rights or interests in such lands;

(2) To cooperate, or enter into agreements with, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid to, any agency, governmental or otherwise, or any owner of lands within the district, in the carrying on of erosion control and prevention operations within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of this Act;

(3) To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, any property, real or personal, or rights or interests therein; to maintain, administer, and improve any



properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of this Act; and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and the provisions of this Act;

(4) To make available, on such terms as it shall prescribe, to landowners within the districts, agricultural and engineering machinery and equipment, fertilizer, seeds, and seedlings, and such other material or equipment, as will assist such landowners to carry on operations upon their lands for the conservation of soil resources and for the prevention and control of soil erosion;

(5) To construct, improve, and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized in this Act;

(6) To develop comprehensive plans for the conservation of soil resources and for the control and prevention of soil erosion within the district, which plans shall specify in such detail as may be possible, the acts, procedures, performances, and avoidances which are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in use of land; and to publish such plans and information and bring them to the attention of owners of lands within the district;

(7) To take over, by purchase, lease, or otherwise, and to administer, any soil conservation, erosion control, or erosion prevention project located within its boundaries undertaken by the United States or any of its agencies, or by this State or any of its agencies; to manage, as agent of the United States or any of its agencies, or of this State or any of its agencies, any soil conservation, erosion control, or erosion prevention project within its boundaries; to act as agent for the United States, or any of its agencies, or for this State or any of its agencies, in connection with the acquisition, construction, operation, or administration of any soil conservation, erosion control, or erosion prevention project within its boundaries; to accept donations, gifts, and con-

tributions in money, services, materials, or otherwise, from the United States or any of its agencies, or from this State or any of its agencies, and to use or expend such moneys, services, materials, or other contributions in carrying on its operations;

(8) To sue and be sued in the name of the district; to have a seal, which seal shall be judicially noticed; to have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments, necessary or convenient to the exercise of its powers, to make, and from time to time amend and repeal, rules and regulations not inconsistent with this Act, to carry into effect its purposes and powers;

(9) As a condition to the extending of any benefits under this Act to, or the performance of work upon, any lands not owned or controlled by this State or any of its agencies, the Supervisors may require contributions in the form of services, materials, or otherwise to any operation conferring such benefits, and may require landowners to enter into and perform such agreements or covenants as to the permanent use of such lands as will tend to prevent or control erosion thereon.

Sec. 8. Adoption of Land-Use Regulations. The Supervisors of any district shall have the authority to formulate regulations governing the use of lands within the district in the interest of conserving soil and soil resources and preventing and controlling soil erosion. The Supervisors may conduct such public meetings and public hearings upon tentative regulations as may be necessary to assist them in this work. The Supervisors shall not have authority to enact such land-use regulations into law until after they shall have caused due notice to be given of their intention to conduct an election for submission of such regulations to the landowners within the boundaries of the district for their indications of approval or disapproval of such proposed regulations, and until after the Supervisors have considered the result of such election. The proposed regulations shall be embodied in a proposed ordinance. Copies of such proposed ordinance shall be available for inspection during the period between publication of such notice and the date of the election. The notices of the election shall recite the contents of such proposed

ordinance, or shall state where copies of such proposed ordinance may be examined. The question shall be submitted by ballots, upon which the words "For approval of proposed Ordinance No. ...., prescribing land-use regulations for conservation of soil and prevention of erosion," and "Against approval of proposed Ordinance No. ...., prescribing land-use regulations for conservation of soil and prevention of erosion," shall appear. The Supervisors shall supervise such election, shall prescribe appropriate regulations governing the conduct thereof, and shall publish the result thereof. All landowners within the district shall be eligible to vote in conformity with the General Election Laws of this State, except as herein otherwise provided, and except that the ballot shall not be numbered or marked for identification purposes. The Supervisors shall not have authority to enact such proposed ordinance into law unless at least nine-tenths of the votes cast in such election shall have been cast for approval of the said proposed ordinance. The approval of the proposed ordinance by nine-tenths of the votes cast in such election shall not be deemed to require the Supervisors to enact such proposed ordinance into law. Land-use regulations prescribed in ordinance adopted pursuant to the provisions of this Section by the Supervisors of any district shall have the force and effect of law in the said district and shall be binding and obligatory upon all owners of land within such district.

Any owner of land within such district may at any time file a petition with the supervisors asking that any or all of the land-use regulations prescribed in any ordinance adopted by the supervisors under the provisions of this Section shall be amended, supplemented, or repealed. Land-use regulations prescribed in any ordinance adopted pursuant to the provisions of this section shall not be amended, supplemented, or repealed except in accordance with the procedure prescribed in this Section for adoption of land-use regulations or in accordance with variances authorized in Section 10, of this Act; provided, however, that such suspension or repeal may be effected by a majority vote of the qualified voters voting at such election. Elections on adoption, amendment, supplementation, or repeal of land-use regulations shall

not be held more often than once in six (6) months.

The regulations to be adopted by the supervisors under the provisions of this Section may include:

(1) Provisions requiring the carrying out of necessary engineering operations, including the construction of terraces, terrace outlets, check dams, dikes, ponds, ditches, and other necessary structures;

(2) Provisions requiring observance of particular methods of cultivation including contour cultivating, contour furrowing, lister furrowing, sowing, planting, strip cropping, seeding, and planting of lands to water-conserving and erosion-preventing plants, trees, and grasses, forestations, and reforestation;

(3) Specifications of cropping programs and tillage practices to be observed;

(4) Provisions requiring the retirement from cultivation of highly erosive areas or of areas on which erosion may not be adequately controlled if cultivation is carried on;

(5) Provisions for such other means, measures, operations, and programs as may assist conservation of soil resources, and prevent or control soil erosion in the district, having due regard to the legislative findings set forth in Section 2 of this Act.

The regulations shall be uniform throughout the territory comprised within the district except that the supervisors may classify the lands within the district with reference to such factors as soil type, degree of slope, degree of erosion threatened or existing, cropping and tillage practices in use, and other relevant factors, and may provide regulations varying with the type or class of land affected, but uniform as to all lands within each class or type. Copies of land-use regulations adopted under the provisions of this Section shall be printed and made available to all owners and occupiers of land lying within the district.

Sec. 9. Performance of Work under the Regulations by the Supervisors. The Supervisors shall have authority to go upon any lands within the district to determine whether land-use regulations adopted under the provisions of Section 8 of this Act are being observed.

Where the Supervisors of any district shall find that any of the provisions of land-use regulations prescribed in an ordinance adopted in

accordance with the provisions of Section 8 hereof are not being observed on particular lands, and that such non-observance tends to increase erosion on such lands and is interfering with the prevention or control of erosion on other lands within the district, the supervisors may present to any Court of competent jurisdiction a petition, duly verified, setting forth the adoption of the ordinance prescribing land-use regulations, the failure of the defendant to observe such regulations, and to perform particular work, operations, or avoidances as required thereby, and that such non-observance tends to increase erosion on such lands and is interfering with the prevention or control of erosion on other lands within the district, and praying the court to require the defendant to perform the work, operations, or avoidances within a reasonable time and to order that if the defendant shall fail so to perform the supervisors may go on the land, perform the work or other operations or otherwise bring the condition of such lands into conformity with the requirements of such regulations, and recover the costs and expenses thereof, with interest, from the owner of such land. Upon the presentation of such petition, the Court shall cause process to be issued against the defendant, and shall hear the case. If it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the Court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the Court shall be made. The Court may dismiss the petition; or it may require the defendant to perform the work, operations, or avoidances, and may provide that upon the failure of the defendant to initiate such performance within the time specified in the order of the Court, and to prosecute the same to completion with reasonable diligence, the supervisors may enter upon the lands involved and perform the work or operation or otherwise bring the condition of such lands into conformity with the requirements of the regulations and recover the costs and expenses thereof, from the owner of such lands, provided further that in no case shall the total charge for the work done by said supervisors

or anyone under them, and to be charged against such lands, ever exceed for any calendar year, ten (10%) per cent of the rendition of said lands.

The Court shall retain jurisdiction of the case until after the work has been completed. Upon completion of such work pursuant to such order of the Court the supervisors may file a petition with the Court, a copy of which shall be served upon the defendant in the case, stating the costs and expenses sustained by them in the performance of the work and praying judgment therefor with interest. The Court shall have jurisdiction to enter judgment for the amount of such costs and expenses, together with the costs of suit, including reasonable attorney's fee to be fixed by the Court. Such judgments shall be collected in the same manner as that provided for the collection of assessments in Wind Erosion Conservation Districts created by authority of House Bill No. 978, Acts of the Regular Session of the Forty-fourth Legislature of Texas.

#### Sec. 10. Board of Adjustment.

A. Where the supervisors of any district organized under the provisions of this Act shall adopt an ordinance prescribing land-use regulations in accordance with the provisions of Section 9 hereof, they shall further provide by ordinance for the establishment of a Board of Adjustment. Such Board of Adjustment shall consist of three (3) members, each to be appointed for a term of three (3) years, except that the members first appointed shall be appointed for terms of 1, 2, and 3 years, respectively. The members of each such Board of Adjustment shall be appointed by the State Soil Conservation Board, with the advice and approval of the supervisors of the district for which such Board of Adjustment has been established, and shall be removable, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other reason, such hearing to be conducted jointly by the State Soil Conservation Board and the supervisors of the district. Vacancies in the Board of Adjustment shall be filled in the same manner as original appointments, and shall be for the unexpired term of the member whose term becomes vacant. Members of the State Soil Conservation Board and the supervisors of the district shall be ineligible to appointment as mem-

ber of the Board of Adjustment during their tenure of such other office. The members of the Board of Adjustment shall receive compensation for their services at the rate of Three Dollars (\$3.00) per diem for the time spent on the work of the Board, in addition to expenses, including traveling expenses, necessarily incurred in the discharge of their duties. The supervisors shall pay the necessary administrative and other expenses of operation incurred by the Board of Adjustment upon the certificate of the Chairman of the said Board.

B. The Board of Adjustment shall adopt rules to govern its procedures which rules shall be in accordance with the provisions of this Act and with the provisions of any ordinance adopted pursuant to this Section. The Board shall designate a Chairman from among its members, and may, from time to time, change such designation. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Any two (3) members of the Board of Adjustment shall constitute a quorum. The Chairman, or in his absence such other member of the Board as he may designate to serve as acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board shall keep a full and accurate record of all proceedings, of all documents filed with it, and of all orders entered, which shall be filed in the office of the Board of Adjustment and shall be a public record.

C. An owner of land within the district may file a petition with the Board of Adjustment alleging that there are great practical difficulties or unnecessary hardship in the way of his carrying out upon his lands the strict letter of the land-use regulations prescribed by ordinance approved by the supervisors, and praying the Board of Adjustment to authorize a variance from the terms of the land-use regulations in the application of such regulations to the lands owned by the petitioner. Copies of such petition shall be served by the petitioner upon the Chairman of the supervisors of the district within which his lands are located and upon the Chairman of the State Soil Conservation Board. The Board of Adjustment shall fix a time for the hearing of the petition and cause due

notice of such hearing to be given. The supervisors of the district and the State Soil Conservation Board shall have the right to appear and be heard at such hearing. Any owner of lands lying within the district who shall object to the authorizing of the variance prayed for may intervene and become a party to the proceedings. Any party to the hearing before the Board may appear in person, by agent or by attorney. If, upon the facts presented at such hearing, the Board shall determine that there are great practical difficulties or unnecessary hardships in the way of applying the strict letter of any of the land-use regulations upon the lands of the petitioner, it shall make and record such determination and shall make and record findings of fact as to the specific conditions which establish such great practical difficulties or unnecessary hardship. Upon the basis of such findings and determination, the Board of Adjustment shall have power by order to authorize such variance from the terms of the land-use regulations, in their application to the lands of the petitioner, as will relieve such great practical difficulties or unnecessary hardship and will not be contrary to the public interest, and such that the spirit of the land-use regulations shall be observed, the public health, safety, and welfare secured, and substantial justice done.

#### Sec. 11. Cooperation Between Districts.

The supervisors of any two (2) or more districts organized under the provisions of this Act may cooperate with one another in the exercise of any or all powers conferred in this Act.

#### Sec. 12. State Agencies to Cooperate.

Agencies of this State which shall have jurisdiction over, or be charged with the administration of, any State-owned lands, and of any county, or other governmental subdivision of the State, which shall have jurisdiction over, or be charged with the administration of, any county-owned or other publicly owned lands, lying within the boundaries of any district organized hereunder, shall cooperate to the fullest extent with the supervisors of such districts in the effectuation of programs and operations undertaken by the supervisors under the provisions of this Act. The supervisors of such district shall be given free access to enter and perform work

upon such publicly owned lands. The provisions of land-use regulations adopted pursuant to Section 8 of this Act shall have the force and effect of law over all such publicly owned lands, and shall be in all respects observed by the agencies administering such lands.

**Sec. 13. Discontinuance of Districts.**

At any time after five (5) years after the organization of a district under the provisions of this Act, any fifty (50) landowners within the boundaries of such district may file a petition with the State Soil Conservation Board praying that the operations of the district be terminated and the existence of the district discontinued. The Board may conduct such public meetings and public hearings upon such petition as may be necessary to assist it in the consideration thereof. Within sixty (60) days after such a petition has been received by the Board it shall give due notice of the holding of an election, and shall supervise such election, and issue appropriate regulations governing the conduct thereof, the question to be submitted by ballots upon which the words, "For terminating the existence of the.... (name of the soil conservation district to be here inserted)," and "Against terminating the existence of the.... (name of the soil conservation district to be here inserted)" shall appear.

All landowners within the boundaries of the district shall be eligible to vote in such election. Only such landowners shall be eligible to vote. Such elections shall be conducted in conformity with the General Election Laws of this State, except as herein otherwise provided, and except that the ballots shall not be numbered or marked for identification purposes, and provided further that the Board determine the number of persons necessary to hold such election, but in no event to be less than three (3).

Providing that the compensation of all election judges and clerks in elections provided for hereunder shall not exceed the sum of Two Dollars (\$2.00) a day each.

The Board shall publish the result of such election and shall thereafter consider and determine whether the continued operation of the district within the defined boundaries is administratively practicable and feasible. If the Board shall determine that the

continued operation of such district is administratively practicable and feasible, it shall record such determination and deny the petition. If the Board shall determine that the continued operation of each district is not administratively practicable and feasible, it shall record such determination and shall certify such determination to the supervisors of the district. In making such determination the Board shall give due regard and weight to the attitudes of the owners of lands lying within the district, the number of landowners eligible to vote in such election who shall have voted, the proportion of the votes cast in such election in favor of the discontinuance of the district to the total number of votes cast, the approximate wealth and income of the landowners of the district, the probable expense of carrying on erosion control operations within such other economic and social factors as may be relevant to such determination, having due regard to the legislative findings set forth in Section 2 of this Act; provided, however, that the Board shall not have authority to determine that the continued operation of the district is administratively practicable and feasible unless at least a majority of the votes cast in the election shall have been cast in favor of the continuance of such district.

Upon receipt from the State Soil Conservation Board of a certification that the Board has determined that the continued operation of the district is not administratively practicable and feasible, pursuant to the provisions of this Section, the Supervisors shall forthwith proceed to terminate the affairs of the district. The Supervisors shall dispose of all property belonging to the district at public auction and shall pay over the proceeds of such sale to be covered into the State Treasury. The Supervisors shall thereupon file an application, duly verified, with the Secretary of State for the discontinuance of such district, and shall transmit with such application the certificate of the State Soil Conservation Board setting forth the determination of the Board that the continued operation of such district is not administratively practicable and feasible. The application shall recite that the property of the district has been disposed of and the proceeds paid over as in this Section provided, and shall set forth a full accounting of such properties and pro-

ceeds of the sale. The Secretary of State shall issue to the supervisors a certificate of dissolution and shall record such certificate in an appropriate book of record in his office.

Upon issuance of a certificate of dissolution under the provisions of this Section, all ordinances and regulations theretofore adopted and in force within such districts shall be of no further force and effect. All contracts theretofore entered into, to which the district or supervisors are parties, shall remain in force and effect for the period provided in such contracts. The State Soil Conservation Board shall be substituted for the district or supervisors as party to such contracts. The Board shall be entitled to all benefits and subject to all liabilities under such contracts and shall have the same right and liability to perform, to require performance, to sue and be sued thereon, and to modify or terminate such contracts by mutual consent and otherwise, as the supervisors of the district would have had. Such dissolution shall not affect the lien of any judgment entered under the provisions of Section 9 of this Act, nor the pendency of any action instituted under the provisions of such Section, and the Board shall succeed to all the rights and obligations of the dis-

trict or supervisors as to such liens and actions.

The State Soil Conservation Board shall not entertain petitions for the discontinuance of any district nor conduct elections upon such petitions nor make determinations pursuant to such petitions in accordance with the provisions of this Act, more often than once in five (5) years.

Sec. 14. Appropriations. There is hereby appropriated out of the General Fund of the State Treasury not otherwise appropriated a sum of Ten Thousand Dollars (\$10,000.00) for the expenses of creating and maintaining the State Soil Conservation Board in accordance with the terms of this Act for the remainder of the fiscal year ending August 31, 1939, such funds to be disbursed by order of the State Soil Conservation Board and the Treasurer of this State for the payment of such obligations as may be incurred by the Board in carrying out the provisions of this Act.

Sec. 14a. The several sums of money herein specified or so much thereof as may be necessary, are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the support and maintenance of the State Soil Conservation Board for the two-year period beginning September 1, 1939, and ending August 31, 1941:

Election of State Board	For the Year Ending	
	August 31 1940	August 31 1941
1. Salaries of delegates to 1941 Convention.....	\$.....	\$ 816.00
2. Traveling expenses for delegates not to exceed 5c per mile per delegate.....	.....	1,020.00
3. Hotel and meals not to exceed \$3.50 per delegate per day .....	.....	510.00
4. Convention clerical help .....	.....	100.00
Total expenses of District Conventions 1940-1941	\$ 0,000.00	\$ 2,446.00
Meetings of State Board		
5. Salaries of 5 members at \$10.00 per diem each	\$ 3,750.00	\$ 2,500.00
6. Traveling expenses for members not to exceed 5c per mile .....	1,000.00	1,000.00
7. Hotels and meals not to exceed \$3.50 per day per member .....	1,750.00	1,750.00
Total salaries and traveling expenses of Board members .....	\$ 6,500.00	\$ 5,250.00
Administrative Expense		
8. Office rental .....	\$ 1,200.00	\$ 1,200.00
9. Light, heat, water and contingent.....	3,000.00	2,500.00
10. Office equipment and furniture.....	1,500.00	500.00
11. Stationery and Printing.....	2,400.00	2,400.00

	For the Year Ending	
	August 31 1940	August 31 1941
12. Telegraph and Telephone.....	500.00	500.00
13. Postage and express.....	750.00	750.00
Total Administrative Expense.....	\$9,350.00	\$ 7,850.00
Administrative Expense		
14. Salary of Administrative Officer.....	\$ 3,600.00	\$ 3,600.00
15. Stenographer .....	1,350.00	1,350.00
16. Stenographer .....	1,350.00	1,350.00
Total Administrative Salaries.....	\$ 6,300.00	\$ 6,300.00
Expense of District Organization, Hearings, Referenda and Supervision		
17. Publication of Notices.....	\$ 600.00	\$ 400.00
18. Referenda .....	2,880.00	1,920.00
19. Publication of Results.....	600.00	400.00
Election of District Supervisors		
20. Election of District Supervisors.....	\$ 2,160.00	\$ 1,440.00
21. Publication of Results.....	600.00	400.00
22. Salaries of District Supervisors.....	7,500.00	10,000.00
23. Traveling Expense outside of District.....	600.00	600.00
24. Salary of Chief Field Supervisor.....	2,750.00	2,750.00
25. Stenotype Stenographer .....	1,800.00	1,800.00
26. Traveling Expenses of Chief.....	3,000.00	3,000.00
27. Referenda on Ordinances.....	480.00	720.00
28. Publication of Notices and Results.....	480.00	720.00
29. Boards of Adjustment, Salaries.....	240.00	360.00
30. Publication of Hearing Notices.....	120.00	180.00
31. Automobile .....	900.00	.....
Total Expense of District Organization and Supervision .....	\$24,710.00	\$24,690.00
Total Appropriations .....	\$46,860.00	\$46,536.00
Grand Total for Biennium.....	\$93,396.00	

## Sec. 15. Separability Clause.

If any provisions of this Act, or the application of any provision to any person or circumstance, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

## Sec. 1. Inconsistency With Other Acts.

In so far as any of the provisions of this Act are inconsistent with the provisions of any other law, the provisions of this Act shall be controlling, except where otherwise indicated in this Act.

## Sec. 17. Repealing and Affirming Certain Acts.

A. Senate Bill No. 227 passed by the Regular Session of the Forty-fourth Legislature, page 504, Regular Session, is hereby repealed.

B. This Act shall not in anywise repeal House Bill No. 13, Acts of the Forty-second Legislature, Regular Session, but the same is hereby expressly preserved in accordance with terms thereof.

C. This Act shall not in anywise affect, impair, nor impinge upon the provisions of House Bill No. 978, Acts of the Regular Session of the Forty-fourth Legislature under which Wind Erosion Soil Conservation Districts have been created or may hereafter be created, but the same is expressly preserved in accordance with the terms thereof. The State Soil Conservation Board shall have authority, working with the governing bodies of the Wind Erosion Conservation Districts, to put into operation in said Wind Erosion Conservation Districts such provisions of this Act as are not in conflict

with the provisions of House Bill No. 978, Acts of the Regular Session of the Forty-fourth Legislature.

D. This Act shall not in anywise repeal Senate Bill No. 386, Acts of the Forty-fifth Legislature, Regular Session, but the same is hereby expressly preserved in accordance with terms thereof.

**Sec. 18. Emergency Clause.**

The fact that the Federal Congress is now in session, and in its deliberations will be considering appropriations of money to be used in Texas and other States for the conservation of soil and water, for the control of floodwaters and the abatement of injuries caused thereby, and other measures intended to conserve the natural resources of the several States, coupled with the serious condition of erosion and the lack of effective means of conserving soil and water resources in the State of Texas, creates an imperative public necessity that the Constitutional Rule requiring that bills should be read on three several days in each House, be, and it is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

Question — Shall the report be adopted?

The report was adopted by the following vote:

**Yeas—22**

Aikin	Metcalf
Beck	Moffett
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Graves	Spears
Head	Stone
Hill	of Galveston
Isbell	Sulak
Kelley	Van Zandt
Lanning	Winfield
Lemens	

**Nays—6**

Cotten	Stone
Hardin	of Washington
Moore	Weinert
Shivers	

**Absent**

Martin	Small
--------	-------

**Absent—Excused**

Nelson

**Reports of Standing Committees**

Senator Pace, by unanimous consent, submitted at this time the following report of the Committee on Counties and County Boundaries:

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 866, being A bill to be entitled "An Act to provide for traveling expenses for members of the Commissioners Courts in certain counties; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Senator Sulak, by unanimous consent, submitted at this time the following reports of the Committee on Agriculture:

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

H. C. R. No. 81,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SULAK, Chairman.

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

H. B. No. 406, A bill to be entitled "An Act to amend Chapter 7, Title 93, of the Revised Civil Statutes of Texas, of 1925, as amended by Acts of the Regular Session of the Forty-second Legislature of the State of Texas, pertaining to weights and measures, by amending Article 5714, which provides for the promulgation of specifications and tolerances for commercial weighing and measuring devices, and by adding a new Article to be



numbered 5714a, providing for the approval of type for commercial weighing and measuring devices; repealing all laws in conflict herewith; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SULAK, Chairman.

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

H. B. No. 286, A bill to be entitled "An Act to be known as the "Tomato Standardization and Inspection Act" to be effective during the Texas Tomato Marketing Season as defined in the Act; providing for the standardization of tomatoes by means of the compulsory inspection, grading, classification, and marketing thereof under the authority of the Commissioner of Agriculture of the State of Texas; defining certain terms; adopting the United States grades and standards for tomatoes and authorizing the Commissioner to adopt other different and additional grades and standards not directly in conflict therewith; directing and empowering the Commissioner to establish, promulgate, and publish rules and regulations to effectuate the terms and provisions of this Act; providing for the publication of rules and regulations of the Commissioner and appeal therefrom; prohibiting the Commissioner, his agents, inspectors, and employees from engaging in the business of buying and/or selling tomatoes; providing for inspection and certification of shipments of tomatoes in and/or from the State of Texas; defining the terms "inspectors and/or agents and/or employees" of the Commissioner; providing for the form of certification; authorizing the Commissioner to enter into cooperative agreements with the United States Department of Agriculture for the inspection and/or grading and/or certification of tomatoes; providing for the expenses of the enforcement of this Act by means of contributions from growers and/or shippers of tomatoes and/or by virtue of cooperative agreement between the Commissioner and the United States Department

ment of Agriculture; providing that this law shall be self-financing and that no appropriation shall be required; limiting the amount of contribution for inspection; making notice to the Commissioner by packers and/or shippers of tomatoes and their intention to ship mandatory; providing that certificates issued under and by virtue of Act shall be prima facie evidence of the truth of their contents in all Courts of the State of Texas; authorizing the Commissioner to prescribe containers for use in the shipment of tomatoes and regulating the re-use of such container; defining "Deceptive pack" and "providing that "deceptive pack" shall be unlawful; making certain exclusions; providing for the proper marking of packages, parcels, and containers of tomatoes shipped in and/or from the State of Texas; providing penalties for violations of this Act; making this Act cumulative of all laws now on the Statutes of the State of Texas; repealing all statutes or parts of Statutes directly in conflict herewith; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SULAK, Chairman.

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

H. B. No. 405. A bill to be entitled "An Act to amend Chapter 5, Title 14 of the Revised Criminal Statutes of Texas of 1925, as amended by Acts of the Regular Session of the Forty-first Legislature of the State of Texas by amending Articles 1037 and 1037a relating to weights and measures, and by adding the following new Articles numbered as follows: 1037b, 1037c, 1037d, 1037e, 1037f, 1037g, 1037h, and 1037i, requiring commodities to be sold by weight, measure, of numerical count; regulating the packing and marketing of packages and containers; requiring the net quantity of contents of such packages or containers to be plainly and conspicuously marked on the outside of package or container; providing for certain variations in weight;

prohibiting deceptive pack; providing standards for the sale of butter, bread, milk and meat and meat food products, including poultry; providing for establishment of standard net weight, net measure, or net numerical count for commodities, products, or articles; defining certain terms; providing penalties for the enforcement of the Act; repealing laws in conflict; including a saving clause; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SULAK, Chairman.

Senator Spears, by unanimous consent, submitted at this time the following report of the Committee on Labor:

Austin, Texas,  
March 30, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

S. B. No. 29, by Winfield, A bill to be entitled "An Act making it unlawful for any person, firm, co-partnership, corporation, association or other organization or any combination thereof to engage in business or act in the capacity of a contractor individually or jointly with others without having a license as provided by this Act, and providing that such act shall not apply to representatives of the United States Government, the State of Texas or municipal or political corporations of the State of Texas, officers of courts acting within the scope of their office, certain public utilities, owners of property not intended for sale, sellers or installers of material not actually fabricated into a permanent part of a structure, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SPEARS, Chairman.

Senator Van Zandt, by unanimous consent, submitted at this time the following report of the Committee on Civil Jurisprudence:

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 459, A bill to be entitled "An Act to amend Article 1965 of the Revised Civil Statutes of Texas, of 1925, as amended by Chapter 48, Acts 1929, Forty-first Legislature, First Called Session, by providing the time for the County Judge to sign Minutes of Probate proceedings; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Senator Beck, by unanimous consent, submitted at this time the following report of the Committee on Commerce and Manufactures:

Austin, Texas,  
April 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Commerce and Manufactures, to whom was referred

H. B. No. 231, A bill to be entitled "An Act to protect trade-mark owners, distributors, and the general public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand, or name, and to facilitate fair trade; making certain acts unlawful and providing a penalty therefor; providing the Act shall not be construed as affecting laws defining and prohibiting trusts, monopolies, and conspiracies against trade with particular reference to Chapter 3, Title 19, Penal Code of Texas, and Title 126, Revised Civil Statutes of Texas, 1925; providing for certain kinds of sales by qualified persons where such sales do not include "loss leader sales"; defining certain terms; providing a saving clause; providing a title; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed, as amended.

BECK, Chairman.

Senator Head, by unanimous consent, submitted at this time the following report of the Committee on Education:

Austin, Texas,  
April 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 423, A bill to be entitled "An Act validating certain school districts in all counties having a population of not more than Twenty Thousand Eight Hundred and Ten (20,810) and not less than Twenty Thousand Eight Hundred (20,800) according to the Federal Census of 1930, and having a scholastic population of not more than Four Thousand Six Hundred and Fifty (4,650) and not less than Four Thousand Six Hundred and Forty (4,640) according to the scholastic census of 1938-39 as contained in the Public School Directory of the State Department of Education, where districts have voted bonds under a title of Independent School District and they should have voted bonds under the title of Rural High School District; providing authority for the Attorney General to approve said bond, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute do pass in lieu of the original bill and be not printed.

AIKIN, Chairman.

Senator Pace, by unanimous consent, submitted at this time the following report of the Committee on Mining, Irrigation and Drainage:

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 851, A bill to be entitled "An Act amending Section 20 of Chapter 76 of the Acts of the Forty-fourth Legislature, Regular Session of 1935, as amended by Section 1 of Chapter 15 of the Acts of the Forty-fifth Legislature, Regular Session of 1937, so as to provide for the termination of

the Act on September 1, 1941; providing all other Sections of the Act shall remain in full force and effect; providing all offenses, liabilities, penalties, or forfeitures, civil or criminal, incurred because of violation of said Act shall be instituted and proceeded with in all respects as if said Section 20 had read in its original enactment the same as provided for in this Act; providing the procedure prescribed in said Chapter 76 shall be followed in all prosecutions and suits now pending or hereafter instituted; and declaring an emergency,"

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Senator Moore, by unanimous consent, submitted at this time the following report of the Committee on Game and Fish:

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 814, A bill to be entitled "An Act to declare it unlawful to take, hunt, trap, ensnare, kill, or attempt to kill by any means whatsoever any wild deer, buck, doe, fawn, wild turkeys, or chucker quail in Young and Jack Counties for a period of four (4) years from and after the passage of this Act; providing for the protection of crops and gardens being destroyed by deer; providing a penalty therefor; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,  
April 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 482, A bill to be entitled "An Act providing a closed season during the months of January, February, March and April for taking

or attempting to take fish in Uvalde and Zavala Counties; prohibiting the taking of minnows in Uvalde and Zavala Counties for commercial purposes; repealing all laws in so far as they conflict with this Act; providing a suitable penalty; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 481, A bill to be entitled "An Act providing for the use of seines and nets for the removal of rough fish from the waters of Zavala County; repealing all laws in conflict with this Act; providing a suitable penalty for violation of this Act; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 84, A bill to be entitled "An Act so as to make it unlawful for any person to place, set, drag, or use any seine, net, or other device for taking fish and shrimp other than the ordinary pole and line; casting rod and reel, artificial bait, trotline, setline, or cast net with a spread of not more than nine (9) feet, or a minnow seine of not more than twenty (20) feet in length for catching bait or have in his possession any seine, net, or trawl without a permit issued by the Game, Fish and Oyster Commission, in or on the water of Matagorda Bay east of the Colorado River; etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, April 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 35, Authorizing the Enrolling Clerk to correct Senate Bill No. 69.

The House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on Senate Bill No. 160. The following are conferees on the part of the House:

Messrs. Vale, Celaya, Pope, Leyendecker, Leonard.

The House refused to concur in Senate Amendments to H. B. No. 813, and has requested the appointment of a Conference Committee to consider the differences between the two Houses. The following are appointed as conferees on the part of the House:

Messrs. Burney, Reader of Erath, Russell, Bailey, Langdon.

The House has concurred in Senate amendments to H. B. No. 142 by a vote of 115 yeas, 2 noes.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### Senate Concurrent Resolution 13

The President laid before the Senate for consideration at this time:

S. C. R. No. 13, Authorizing Edwin Marchwardt to sue the State.

The resolution was read and was adopted.

**Senate Concurrent Resolution 17**

The President laid before the Senate for consideration at this time:

S. C. R. No. 17, Giving consent to State Board of Control to arrange suitable place in Capitol Building of Texas for a vending stand to be occupied by some deserving and needy blind person, who is a citizen of Texas. Said blind person to be selected by Board of Control from list of names submitted by State Commission of the Blind, and giving Board of Control power to dismiss occupants of stand.

The resolution was read and was adopted.

**House Concurrent Resolution 86**

The following resolution, received from the House today, was laid before the Senate and was read:

H. C. R. No. 86, Inviting members of Choir of Texas State College for Women to appear in concert at a joint session of the Legislature.

On motion of Senator Lanning, and by unanimous consent, the resolution was considered at this time, and was adopted.

**Senate Bill 24 on Second Reading**

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 24, A bill to be entitled "An Act amending Subdivision (a) of Section 9 of Article IV of Chapter 495 of the Acts of the Third Called Session of the Forty-fourth Legislature, so as to limit the operation of said Subdivision to purchase money notes and obligations secured by any written instruments evidencing a lien or retention of title which are filed or recorded in the office of the county clerk under the registration laws of this State, and to exempt from its provisions notes and obligations or instruments securing same taken by or on behalf of the State of Texas or any corporate agency or instrumentality of the State of Texas, in carrying out a governmental purpose as expressed in any act of the Legislature of the State of Texas, and declaring an emergency."

The bill was read second time.

Senator Roberts offered the following amendment to the bill:

Amend S. B. No. 24 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. Section 9 of Article IV of Chapter 495 of the Acts of the Third Called Session of the 44th Legislature be and the same is hereby amended so as to read hereafter as follows:

"Section 9. (a) Except as herein otherwise provided, there is hereby levied and assessed a tax, for the privilege of using the records, upon all chattel mortgages, deeds of trust, mechanic's lien contracts, vendor's liens, conditional sales contracts and all instruments of a similar nature which may be hereafter filed or recorded in the office of the county clerk under the registration laws of this State, in the amount of ten cents on each one hundred dollars, or fraction thereof, secured thereby, over and above the first two hundred dollars provided that no tax shall be levied on instruments securing an amount of two hundred dollars, or less. After the effective date of this Act, except as hereinafter provided, no such instrument shall be filed or recorded by any County Clerk in this State until there has been affixed to such instrument stamps in accordance with the provisions of this Section; providing further that should the instrument filed in the office of the County Clerk be security of an obligation that has property pledged as security in a State or States other than Texas, the tax shall be based upon the reasonable cash value of all property pledged in Texas in the proportion that said property in Texas bears to the total value of the property securing the obligation; and, providing further that, except as to renewals or extensions of accrued interest, the provisions of this Section shall not apply to instruments given in renewal or extension of instruments theretofore stamped under the provisions of this Act or the one amended hereby, and shall not apply to instruments given in the refunding of existing bonds or obligations where the preceding instrument of security was stamped in accordance with this Act or the one amended hereby provided further that

the tax levied in this Act shall apply to only one instrument, the one of the greatest denomination, where several instruments are contemporaneously executed to secure one obligation; and provided further that when once stamped as provided herein, an instrument may be recorded in any number of counties in this State without again being so stamped. This Section shall not apply to instruments, notes, or other obligations taken by or on behalf of the United States or of the State of Texas, or any corporate agency or instrumentality of the United States, or of the State of Texas in carrying out a governmental purpose as expressed in any Act of the Congress of the United States or of the Legislature of the State of Texas.

"If the amount secured by an instrument is not expressed therein, or if any part of the security described in any such instrument appears to be located without the State of Texas, the County Clerk shall require proof by written affidavits of such facts as may be necessary to determine the amount of the tax due.

"(b) Payment of the tax as hereby levied shall be evidenced by affixing the stamps herein provided for, to all instruments included within the provisions of the Act and it shall be the duty of the State Treasurer at all times to keep a supply of such stamps on hand for sale to any person upon demand and payment therefor, and the State Treasurer shall at the request of any County Clerk of the State of Texas consign said stamps to the different County Clerks. The stamps shall be of such design and denomination as to the State Treasurer shall seem proper, and shall show the amount of the tax the payment of which is evidenced thereby, and shall contain the words "Note Stamps". The County Clerks of Texas shall keep a supply of such stamps on hand in their office for sale to any person upon demand and payment therefor, and shall remit all moneys received from the sale of such stamps, except as hereinafter provided, to the State Treasurer at any time when requesting additional stamps from the State Treasurer; provided that if the County Clerk does not order additional stamps and remit said moneys on or before the 25th days of each month he shall make remittance of any moneys on hand, except as hereinafter provided,

from the sale of such stamps not later than the 25th day of each month irrespective of whether or not such clerk orders additional stamps; providing further that each County Clerk shall be entitled to retain as fees of office for handling said stamps five per cent (5%) of the amount of money received from the sale of such stamps, provided such fee for any one calendar month shall not exceed One Hundred Dollars (\$100.00), said five per cent (5%) to be retained by the County Clerk when remitting to the State Treasurer as above provided; providing further that the County Clerks shall be liable under their official bonds for the faithful performance of their duties and the remittance of moneys to the State Treasurer, from the sale of stamps as herein provided. The State Treasurer shall be responsible for the custody of said stamps and shall demand such receipt as he deems necessary from the County Clerks upon consignment of stamps to the County Clerks as herein provided, and said State Treasurer shall be liable for the proceeds received by him under his official bond. The State Treasurer shall from time to time deduct enough money from the proceeds received from the sale of stamps to pay for the printing of said stamps, and the mailing of said stamps to the County Clerks, said money to be deducted by the State Treasurer before allocating the funds received from the sale of said stamps. The State Treasurer shall assist the County Clerks of the State in determining what instruments are subject to the tax as provided in this Act."

Sec. 2. Should any portion, section, word or phrase of this Act be declared unconstitutional or invalid, such decision shall affect that section, word, or phrase only, and shall not render invalid any of the remaining portions of this Act.

Sec. 3. Owing to the fact that the existing law discriminates in favor of notes and obligations, or instruments securing same, taken by or on behalf of the United States or any corporate agency or instrumentality thereof, and against the same character of instruments taken by or on behalf of the State of Texas, or its corporate agencies or instrumentalities, and also due to the fact that the existing law is vague and uncertain in some respects and on account thereof compliance therewith is diffi-

cult and uncertain, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read in each House on three several days be suspended and the same is hereby suspended and this Act shall take effect and be in force from and after its passage and it is so enacted.

**ROBERTS,  
MOORE.**

The amendment was adopted.

Senator Roberts offered the following amendment to the bill:

Amend S. B. No. 24 by striking out all above the enacting clause and inserting in lieu thereof the following:

**A BILL**

**TO BE ENTITLED**

An Act amending Section 9 of Article IV of Chapter 495 of the Acts of the Third Called Session of the Forty-fourth Legislature; and declaring an emergency.

The amendment was adopted.

Senator Shivers offered the following amendment to the bill:

Amend S. B. No. 24 as amended at end of paragraph 1 of Section 9 (a) the following: "nor shall the provisions of this section apply to obligations or instruments secured by liens on crops and farm or agricultural products, or to livestock or farm implements."

**SHIVERS,  
MOFFETT,  
BROWNLEE,  
SULAK,  
VAN ZANDT.**

The amendment was adopted.

The bill then was passed to engrossment.

**Senate Bill 24 on Third Reading**

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 24 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—30**

Aikin	Burns
Beck	Collie
Brownlee	Cotten

Graves  
Hardin  
Head  
Hill  
Isbell  
Kelley  
Lanning  
Lemens  
Martin  
Metcalf  
Moffett  
Moore  
Pace

Redditt  
Roberts  
Shivers  
Small  
Spears  
Stone  
of Galveston  
Stone  
of Washington  
Sulak  
Van Zandt  
Weinert  
Winfield

**Absent—Excused**

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—29**

Aikin  
Beck  
Brownlee  
Burns  
Collie  
Cotten  
Graves  
Hardin  
Head  
Isbell  
Kelley  
Lanning  
Lemens  
Martin  
Metcalf  
Moffett

Moore  
Pace  
Redditt  
Roberts  
Shivers  
Small  
Spears  
Stone  
of Galveston  
Stone  
of Washington  
Sulak  
Van Zandt  
Weinert  
Winfield

**Nays—1**

Hill

**Absent—Excused**

Nelson

**Senate Bill 177 on Second Reading**

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 177, A bill to be entitled "An Act to amend Article 3118 of R. C. S. of 1925, Article 3134 of R. C. S. of 1925, and Article 3139, as amended by S. B. No. 60, Chapter 15, Acts of the First Called Session of the Fortieth Legislature, as amended by S. B. No. 153, Chapter 264, Acts of the Regular Session of the Forty-fifth Legislature, so as to provide for the equal representation of men and

women on political party precinct, county and state conventions and executive committees; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Senator Graves offered the following amendment to the bill:

Amend Section 1 of S. B. No. 177, by inserting after the words "general primary election day", at line 27, the following: "in the following manner: The candidate receiving the highest number of votes cast shall be County Chairman, and the person of opposite sex receiving the highest number of votes for County Chairman, shall be the Vice Chairman;" and amend the caption accordingly.

**The amendment was adopted.**

The bill was passed to engrossment.

Senator Head moved to reconsider the vote by which the bill was passed to engrossment.

Yeas and nays were demanded, and the motion to reconsider prevailed by the following vote:

**Yeas—16**

Beck	Moffett
Brownlee	Pace
Burns	Roberts
Collie	Shivers
Cotten	Small
Head	Stone
Hill	of Washington
Isbell	Weinert
Lanning	

**Nays—13**

Aikin	Redditt
Graves	Spears
Hardin	Stone
Kelley	of Galveston
Lemens	Sulak
Metcalf	Van Zandt
Moore	Winfield

**Absent**

Martin

**Absent—Excused**

Nelson

Question—Shall the bill be passed to engrossment?

Senator Head offered the following amendment to the bill:

Amend S. B. No. 177 by striking out all of Sections One and Two of the bill and amend the caption to conform to the body of the bill.

Question—Shall the amendment be adopted?

**House Bills on First Reading**

The following bills received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. No. 614, to Committee on Civil Jurisprudence.

H. B. No. 195, to Committee on Public Health.

H. B. No. 294, to Committee on Education.

H. B. No. 419, to Committee on Labor.

H. B. No. 539, to Committee on State Institutions and Departments.

H. B. No. 716, to Committee on Civil Jurisprudence.

H. B. No. 799, to Committee on Finance.

H. B. No. 808, to Committee on State Affairs.

H. B. No. 822, to Committee on State Affairs.

H. B. No. 823, to Committee on State Affairs.

H. B. No. 829, to Committee on Civil Jurisprudence.

H. B. No. 824, to Committee on State Affairs.

H. B. No. 832, to Committee on Civil Jurisprudence.

H. B. No. 833, to Committee on Civil Jurisprudence.

H. B. No. 836, to Committee on State Affairs.

H. B. No. 834, to Committee on Banking.

H. B. No. 840, to Committee on Game and Fish.

H. B. No. 852, to Committee on Public Lands and Land Office.

H. B. No. 845, to Committee on Game and Fish.

H. B. No. 855, to Committee on Education.

H. B. No. 867, to Committee on Counties and County Boundaries.

H. B. No. 870, to Committee on Highways and Motor Traffic.

H. B. No. 871, to Committee on Highways and Motor Traffic.



H. B. No. 874, to Committee on State Affairs.

H. B. No. 952, to Committee on Game and Fish.

H. B. No. 906, to Committee on Counties and County Boundaries.

H. B. No. 913, to Committee on Counties and County Boundaries.

H. B. No. 909, to Committee on Counties and County Boundaries.

H. B. No. 894, to Committee on Game and Fish.

H. B. No. 888, to Committee on Agriculture.

H. B. No. 886, to Committee on Counties and County Boundaries.

H. B. No. 885, to Committee on Counties and County Boundaries.

H. B. No. 883, to Committee on Counties and County Boundaries.

H. B. No. 882, to Committee on Highways and Motor Traffic.

H. B. No. 892, to Committee on Mining, Irrigation and Drainage.

H. B. No. 881, to Committee on Highways and Motor Traffic.

H. B. No. 889, to Committee on Game and Fish.

H. B. No. 877, to Committee on Education.

H. B. No. 876, to Committee on Counties and County Boundaries.

H. B. No. 873, to Committee on Counties and County Boundaries.

#### Recess

On motion of Senator Moffett, the Senate, at 12:00 o'clock m., took recess to 2:00 o'clock p. m. today.

#### Afternoon Session

The Senate met at 2:00 o'clock p. m. and was called to order by the President.

#### Address by Hon. Lynn Landrum

Senator Hill, by unanimous consent, offered the following resolution:

(Senate Resolution 61)

Whereas, There is at this time in the city and within the Capitol one of the most outstanding journalists of the State and one of the clearest thinkers in the whole country; a gentleman, who through his widely read column in the Dallas News, Thinking Out Loud, has caused thousands of our people to give most seri-

ous consideration to the affairs of the day, a man of wide learning and a representative of one of the great newspapers of the nation, the Honorable Lynn Landrum of Dallas; and,

Whereas, Mr. Landrum would no doubt have a message of wide interest to the members of the Senate of Texas and a word of good counsel,

Resolved, That the Hon. Lynn Landrum be invited to address the Senate and that he be accorded special privileges of the floor, other than as an accredited newspaper man.

HILL,  
GRAVES.

(Senator Winfield in the Chair.)

The resolution was read, and by unanimous consent, it was considered at this time and was adopted.

Accordingly, the Presiding Officer appointed Senators Hill, Graves, and Small as a committee to escort Hon. Lynn Landrum to the President's stand.

(President in the Chair.)

The committee performed the duty assigned it, and Senator Graves presented Hon. Lynn Landrum, who addressed the Senate briefly.

#### House Concurrent Resolution 82 Referred

The following resolution received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. C. R. No. 82, to Committee on State Affairs.

#### House Concurrent Resolution 87

The following resolution received from the House today, was laid before the Senate:

H. C. R. No. 87, Correcting enrolled copy of H. B. No. 310.

The resolution was read; and on motion of Senator Aikin, and by unanimous consent, it was considered at this time and was adopted.

#### Senate Bill 177 on Engrossment

The Senate resumed consideration of pending business, same being S. B. No. 177, relating to participation of women in party conventions, on its

passage to engrossment, with amendment by Senator Head pending.

Question—Shall the amendment be adopted?

Yeas and nays were demanded, and the amendment was lost by the following vote:

## Yeas—11

Beck	Martin
Brownlee	Pace
Collie	Roberts
Cotten	Small
Head	Stone
Isbell	of Washington

## Nays—13

Aikin	Moore
Burns	Redditt
Graves	Spears
Lanning	Stone
Lemens	of Galveston
Metcalf	Sulak
Moffett	Winfield

## Absent

Hardin	Shivers
Hill	Van Zandt
Kelley	Weinert

## Absent—Excused

Nelson

Senator Sulak moved to reconsider the vote by which the amendment was lost.

Yeas and nays were demanded, and the motion to reconsider prevailed by the following vote:

## Yeas—16

Beck	Pace
Brownlee	Roberts
Collie	Shivers
Cotten	Small
Head	Stone
Hill	of Washington
Isbell	Sulak
Lemens	Winfield
Martin	

## Nays—12

Aikin	Moffett
Burns	Moore
Graves	Redditt
Hardin	Spears
Kelley	Stone
Lanning	of Galveston
Metcalf	

## Absent

Van Zandt	Weinert
-----------	---------

## Absent—Excused

Nelson

(President Pro Tempore in the Chair.)

Question recurring on the amendment of Senator Head, yeas and nays were demanded.

(President in the Chair.)

The amendment was adopted by the following vote:

## Yeas—17

Beck	Pace
Brownlee	Roberts
Collie	Shivers
Cotten	Small
Head	Stone
Hill	of Washington
Isbell	Sulak
Lemens	Weinert
Martin	Winfield

## Nays—12

Aikin	Moffett
Burns	Moore
Graves	Redditt
Hardin	Spears
Kelley	Stone
Lanning	of Galveston
Metcalf	

## Absent

Van Zandt

## Absent—Excused

Nelson

By unanimous consent, the caption of the bill was amended to conform to the changes in the body of the bill.

The bill was passed to engrossment.

## Senate Bill 177 on Third Reading

Senator Graves moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 177 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Brownlee
Beck	Burns

Collie	Pace
Cotten	Redditt
Graves	Roberts
Hardin	Shivers
Head	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Sulak
Metcalf	Weinert
Moffett	Winfield
Moore	

Absent

Van Zandt

Absent—Excused

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moffett
Beck	Moore
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Weinert
Martin	Winfield
Metcalf	

Absent

Van Zandt

Absent—Excused

Nelson

#### Bills and Resolutions Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

H. B. No. 343, "An Act to amend Article 2965, Title 50, Chapter 5, of the Revised Civil Statutes of Texas, of 1925, as amended by Acts of the Forty-first Legislature, 1929, page 248, Chapter 109, Section 2, as amended by

the Acts of the Forty-first Legislature, 1929, First Called Session, page 111, Chapter 51, Section 2, providing for form of receipt for payment of poll tax; amending Article 2970, Title 50, Chapter 5, of the Revised Civil Statutes of Texas, 1925, prescribing the number of poll tax books to be issued, the time of such issue, the character of books furnished, providing for duplicate copies of said books, prescribing the data to be placed in said books, providing for the manner of delivery of certificates from said books; amending Article 2975, Title 50, Chapter 5, of the Revised Civil Statutes of Texas, of 1925, prescribing and making it the duty of the tax collector to tabulate a list of voters, prescribing the time such duty shall be performed, prescribing the number of such lists and the mode and manner of issuing the same, prescribing for description of voter, his residence, his voting precinct, and the list of his residence in the State and county, prescribing the form of such lists; defining offenses for violation of said Act and prescribing punishment therefor, and declaring an emergency."

H. B. No. 381, "An Act amending Article 200, Title 6, Chapter 2 of the Penal code of the State of Texas, 1925, making it unlawful to give out any poll tax receipt or certificate of exemption in blank, to issue any poll tax receipt, or certificate of exemption in blank, to issue any poll tax receipt, or certificate of exemption in blank, or to deliver any poll tax receipt or certificate of exemption to any fictitious person, fixing a penalty therefor, and declaring an emergency."

S. B. No. 335, "An Act providing for additional return and appearance days for civil citations, writs, process and causes of action, in District Courts in each Judicial District of this State composed of two or more counties, each county thereof having two terms of court, such terms continuing for twenty-six weeks; providing and prescribing procedure; and declaring an emergency."

S. B. No. 20, "An Act amending Chapter 212, Section 25 of the General Laws of the Regular Session of the Fortieth Legislature, 1927, and amended by Chapter 229, Regular Session of the Forty-first Legislature, 1929, relating to overtime to be allowed prisoners in the Texas Penitentiary, providing that the General Manager shall have the authority to designate the

over-time rates for special work, defining what constitutes a day in over-time work and fixing the date when this Act shall become effective, and declaring an emergency."

S. B. No. 286, "An Act authorizing any incorporated city in this State having a population of not less than 53,000 and not more than 57,000, according to the preceding Federal Census, to create by ordinance a Municipal Retirement Board, and to adopt a plan to pay retirement allowances to retire city employees; providing for the submission to a vote of the taxpayers of any such city the question of empowering the governing body to appropriate from public revenues each year to augment the retirement fund; describing this Act as the "Municipal Retirement Law"; defining words and phrases as used in this Act; prescribing who shall be members of any such retirement system, and providing for a refund of contributions to any employee leaving the service of such city; providing a method for contributions to the retirement fund by city employees and requiring the keeping of individual accounts with each member, and providing for an annual statement of the total accumulations to each contributor's credit, and providing that expenses of administration and operation of the retirement system shall be paid by appropriation from the general fund of any such city, etc.; and declaring an emergency."

S. B. No. 193, "An Act to authorize the State Highway Commission, acting through its chairman, pursuant to order of the Commission, to convey lands or interests therein, owned by the State of Texas, acquired for use as county, one or more of the boundaries of which is coincident with any part of the international boundary between United States and Mexico, or in any county contiguous to any county of such described class, which is used or proposed to be used as a part of the site for flood control works, to the United States of America, or to any county of such described class, without monetary consideration, to enable the United States to carry out the provisions of Acts of Congress; and authorizing the State Highway Commission to join in and assent to easements executed by owners of the fee title to lands on which the State owns only an easement; validating any such conveyance heretofore made; providing that if any section, word, phrase, or clause in this Act be de-

clared unconstitutional for any reason, the remainder of this Act shall not be affected thereby; and declaring an emergency."

S. B. No. 256, "An Act authorizing towns and villages, heretofore incorporated under Chapter 12 of Title 28, Revised Civil Statutes of Texas, 1925, and amendments thereto, to adopt the powers valuation for taxable purposes of \$500,000.00 or more, according to its latest approved tax rolls, notwithstanding any limitation contained in Article 1163 of the Revised Civil Statutes of Texas, 1925, and amendments thereto, to adopt the powers of cities and towns in the manner prescribed by Article 961 of the Revised Civil Statutes of Texas, 1925, and amendments thereto, notwithstanding any limitation contained in said Article as to minimum population or as to the inclusion of manufacturing establishments, providing that such municipalities shall thereafter have all of the rights, powers, privileges, immunities and franchises of cities and towns conferred by the laws contained in Title 28 of the Revised Civil Statutes of Texas, 1925, and amendments thereto, making this Act cumulative of all other laws, providing that in the event of a conflict, the provisions of this Act shall prevail, and declaring an emergency."

S. B. No. 107, "An Act amending the Acts of 1931, Forty-second Legislature, page 450, Chapter 270, relating to the theft of citrus fruits, and declaring an emergency."

S. B. No. 250, "An Act to authorize any County, one or more of the boundaries of which is coincident with any part of the International Boundary between the United States and Mexico, or any county contiguous to any county of such described class, which may have entered into an agreement with the United States to acquire and upon request convey to the United States land or interest in land desired by the United States in aid of navigation, irrigation, flood control or improvement of water courses, and in order to accomplish the purposes specified in Article 5242 of the 1925 Revised Statutes of Texas, upon request of the United States, to secure by gift, purchase or by condemnation, said land or interest therein, for ultimate conveyance to the United States and to pay for the same out of any special flood control fund or any available county funds; provid-

ing for the method of procedure in condemnation cases; providing that title shall vest in the County upon the filing of a declaration of taking by the County and the deposit of the amount of the award with the County Clerk, together with costs, if any, and the right to just compensation shall vest in the persons entitled thereto; and provided further, that no appeal nor service of process by publication shall have the effect of suspending the vesting of title in said County; and declaring an emergency."

S. C. R. No. 33, Authorizing the State Highway Department of Texas to lend to the School Board of Brenham Independent School District certain discarded wire.

S. B. No. 408, "An Act creating and establishing Jackson County Road District Number Eleven in Jackson County, Texas, under Article III, Section 52 of the Constitution for the purpose of the construction, operation, and maintenance of macadamized, graveled, or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the district a body corporate with authority to sue and be sued; authorizing the district to issue bonds upon two-thirds vote of the qualified electors who own taxable property in said district and who have duly rendered the same for taxation voting at an election; prescribing the method of calling and conducting such election, and the method of issuing said bonds; directing the levy, assessment, and collection of a tax for the payment of principal and interest of said bonds; providing for the custody and disbursement of the funds of the district; providing that in awarding contracts for road construction the Commissioners' Court shall advertise for bids and shall award the contract to the lowest and best bidder; providing that the fact that portions of the district hereby created are also included in other road districts having outstanding bonds shall not affect the district hereby created or its powers hereby granted; and providing that liability of territory included in this district and other road districts which have issued bonds shall not be affected and for the levy, assessment and collection of taxes on said territory for said bonds; and providing that this Act shall not validate said bonds nor be construed as authorizing the creation of indebtedness in excess of the

limit established by Article III, Section 52; determining that all of the land in said district will be benefited by additional road improvements; providing that the provisions of this Act shall prevail in the event of conflict with any other General or Special Law; providing that if any provision hereof is held to be invalid such holding shall not affect the other provisions hereof; and declaring an emergency."

S. B. No. 414, "An Act prescribing the method for the annexation of unoccupied territory contiguous and adjacent to the city limits of certain incorporated cities or towns, on petition of the owners of all such property; providing for the recording of such petitions, and declaring an emergency."

S. B. No. 164, "An Act creating the Texas Coronado Quarto Centennial Commission, prescribing the duties and responsibilities of such Commission, and declaring an emergency."

S. C. R. No. 35, Correcting the caption of enrolled copy of S. B. No. 69.

S. C. R. No. 34, Expressing appreciation to the publishers of Life Magazine.

H. B. No. 685, "An Act to amend Section 22, Acts, 1935, Forty-fourth Legislature, First Called Session, page 1660, Chapter 427, creating the Nueces River Conservation and Reclamation District, and declaring an emergency."

H. C. R. No. 86, Inviting Choir of Texas State College for Women to appear in concert at a Joint Session of the Legislature.

S. C. R. No. 18, Authorizing John Bagwell and wife to sue the State.

#### Senate Bill 13 on Engrossment

Senator Lemens moved to call from the table, on its passage to engrossment (the bill having been read second time and tabled subject to call on March 17, 1939):

S. B. No. 13, A bill to be entitled "An Act to amend Sections Nos. 7, 16, 22, 23, 24, 25, 28, 30, 35, 37, and 42 of S. B. No. 111, passed at the Second Called Session of the Forty-first Legislature, and known as Chapter 61, page 100, of the General Laws

passed at said Second Called Session of the Forty-first Legislature, and by adding four new sections to said Chapter to be known as Sections numbered 10-a, 38-a, 38-b, and 58-a, so as to provide for the supervision and control of building and loan associations; providing for the appointment of a building and loan supervisor, building and loan examiners and other employees, and providing for their qualifications; providing for joint examinations by certain regulatory authorities, and authorizing the furnishing of information by such examiners to other regulatory officers and authorities; providing that remedies therein contained are accumulative; etc., and declaring an emergency."

The motion prevailed.

The President laid the bill before the Senate, on its passage to engrossment.

Senator Lemens offered the following (committee) amendments to the bill:

(1)

Strike out all of sub-paragraph (d) of proposed amendment to paragraph Sec. 16, and insert in lieu thereof the following:

"(d) Any person aggrieved by any order, ruling or act whatsoever in the progress of such liquidation, shall have the right of appeal to the court having jurisdiction for a review of such order, ruling or act. Such review shall be by petition by complainant and answer by the commissioner and shall be tried de novo and judgment required as in other civil cases. An appeal shall lie from such judgment as in other civil cases."

(2)

Amend S. B. No. 13 by striking out all of sub-paragraph (h) of the proposed amendment to paragraph Sec. 16, and insert in lieu thereof the following:

"(h) Upon approval of the final report of liquidation by the Commissioner, said report shall be presented to the court and the court shall enter such order, judgment and decree as may be necessary."

(3)

Amend S. B. No. 13 by adding at the end of the proposed amended paragraph Sec. 23 the following:

"Provided, that in the case of a minor, if any parent or guardian of such minor child should not desire the minor to have authority to pledge, hypothecate, control, transfer and withdraw the shares or the value thereof, such fact may be made known to the association in writing, duly acknowledged by an executive of the association, in which event the right to pledge, hypothecate, control, transfer and withdraw the same during the minority of such minor shall not be exercised except with the joinder of such parent or guardian."

(4)

Amend S. B. No. 13 by adding at the end of the first sub-paragraph of paragraph "Sec. 25" the following:

"Provided, that where under the laws of Texas administrators, executors, guardians, trustees and other fiduciaries are required to obtain an order of the probate court to make investments, then such order shall be entered by the probate court before such fiduciaries are authorized to make the investments provided for in this section."

(5)

Amend S. B. No. 13 by striking out all of paragraph Sec. 38-a and insert in lieu thereof the following:

"Sec. 38-a. Until September 1, 1943, any building and loan association organized under the laws of this State may make 90% loans secured by its own shares or share accounts and may invest its funds without limitation as to amount loaned to any one borrower, or period of maturity, in real estate loans secured by mortgage, deed of trust, or other instrument creating or constituting a first lien upon improved real estate situated in this State, where such loan does not exceed ninety per cent 90% of the appraised valuation of such property and where the loan is insured by the Federal Housing Administrator."

(6)

Amend S. B. No. 13 by adding to paragraph Sec. 38-b the following:

"All associations having the insurance protection provided by Title IV of the National Housing Act are hereby designated as 'insured associations'."

(7)

Strike out all above the enacting clause and insert in lieu thereof the following:

**"A BILL  
TO BE ENTITLED**

An Act to amend Sections Nos. 7, 16, 22, 23, 24, 25, 28, 30, 35, 37 and 42 of Senate Bill No. 111, passed at the Second Called Session of the Forty-first Legislature, and known as Chapter 61, Page 100, of the General Laws passed at said Second Called Session of the Forty-first Legislature, and by adding four new sections to said chapter, to be known and numbered as Sections Nos. 10-a, 38-a, 38-b and 58-a, which said new sections provide for joint examinations by different regulatory authorities; providing for the furnishing of information to such regulatory authorities; providing that until September 1, 1943 loans aggregating 90% of the appraised value of real estate may be made where the loan is insured by the Federal Housing Administrator; providing that 90% loans secured by pledge of shares or share accounts may be made; providing that associations may obtain, continue and terminate the insurance of its shares; ratifying and confirming action heretofore taken to obtain such insurance; defining insured associations; providing that certain Federal Savings and Loan Associations and the holders of shares or share accounts therein shall have all the rights, powers and privileges, and shall be entitled to the same exemptions and immunities to which domestic building and loan associations and shareholders therein are entitled; and declaring an emergency."

The (committee) amendments were adopted severally.

Senator Lemens offered the following amendment to the bill:

Amend S. B. No. 13 by striking out the first paragraph of the proposed amendment to "Sec. 7." and insert in lieu thereof the following:

"Sec. 7. Supervision and Control. The banking commissioner of Texas shall have supervision over and control of all building and loan associations doing business in this State (except Federal savings and loan associations organized under and by

virtue of the Home Owner's Loan Act of 1933, passed by the Congress of the United States), and shall be charged with the execution of the laws of this State relating to such associations. All such building and loan associations shall be deemed and are hereby declared to be instrumentalities and agencies of the State government and shall be charged with the duty and responsibility to act as fiscal agents for the State when requested to do so. The banking commissioner shall appoint a building and loan supervisor who shall have had not less than two (2) years actual experience in the operation and management in an executive position of a building and loan association, or who shall have had not less than eighteen (18) months actual experience in the supervision of building and loan associations, or one who has had not less than two (2) years experience in the employ of a building and loan association and not less than two (2) years actual experience as a building and loan examiner."

The amendment was adopted.

On motion of Senator Shivers, the bill was tabled subject to call.

**Message from the House**

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives.  
Austin, Texas, April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. C. R. No. 44 by a vote of 134 yeas, 2 noes.

The House has concurred in Senate amendments to H. B. No. 720 by a vote of 115 yeas, 0 noes.

The House has passed the following bills and resolutions:

H. C. R. No. 88, Authorizing the Enrolling Clerk of the House of Representatives to make certain typographical corrections in Section 1 of H. B. No. 444.

H. B. No. 397, A bill to be entitled "An Act defining 'warehousemen' and

'warehouse,' names and words associated therewith; and providing for the licensing and bonding of same and the manner of securing license and bond and exempting certain warehouses; and providing for the procedure thereof; defining the duties and liabilities of warehousemen; and providing for the Commissioner of Agriculture to supervise warehouses; and to approve forms of receipts, records and certificates, and providing for records to be kept, and for the inspection of same; for warehouse examiners with a general director thereof; for salaries and qualifications and for bonding of same and prescribing their duties; providing for warehousemen to furnish an annual audit of reserve funds, assets and liabilities, and the manner of making same; providing for examination fees; fixing the amount of same and to whom payable; providing for the disposition of same to the State Treasurer in a special fund; providing for forced liquidation of insolvent warehousemen; providing for method of handling grain in excess of storage capacity; providing for separate accounts for grain, that grain warehouse receipts shall show kind, grade, etc., complying with U. S. Grain Standards Act; providing for delivery of grain on surrender of receipts; providing for handling of grain at time of delivery to warehouse, and for issuance of tickets; providing for forfeitures and penalties for violation of provisions of this Act and for violating certain provisions of Chapter 4, Title 93, Revised Civil Statutes 1925; making failure to obey law a penal offense and fixing punishment therefor; providing for the interpretation of this Act; repealing Chapters 1, 2 and 3, and Article 5661, and subsection 10, of Article 5613, Chapter 4, Title 93, Revised Civil Statutes 1925, S. B. No. 34, Acts of the Second Called Session, Forty-second Legislature, and any other laws in conflict with this Act, and declaring an emergency."

S. B. No. 216, A bill to be entitled "An Act to amend Section 17, H. B. No. 68, Chapter 3, Acts of the Regular Session of the Forty-fourth Legislature, as amended by S. B. No. 332, Chapter 123, Acts of the Regular Session of the Forty-fifth Legislature, so as to extend the time of existence of the Special District Court

of Smith County, Texas, and declaring an emergency."

H. B. No. 359, A bill to be entitled "An Act to amend Article 5420 of the Revised Civil Statutes of Texas, 1925, by requiring that all suits under said Article and under Article 5419 of the Revised Civil Statutes of Texas, 1925, hereafter filed, be brought in the county in which the land involved or any part thereof may lie, and providing for the transfer from the District Court of Travis County, Texas, to the court having jurisdiction in the county in which the land or any part thereof may lie of cases heretofore filed by the State in the District Court of Travis County, Texas, under said Articles and not yet tried in the trial court on motion of any party to any such cause, and providing for the hearing and disposition of such motion, repealing all laws or parts of laws in conflict therewith, and declaring an emergency."

H. B. No. 391, A bill to be entitled "An Act regulating the taking of fish and shrimp in the tidal waters of this State; providing that it shall be lawful to use strike nets, gill nets, trammel nets or shrimp trawls in the open waters of East Galveston Bay in the Counties of Galveston and Chambers, and in certain waters of Galveston Bay, during the period beginning August 15 and ending May 15 of each year; making it unlawful to use certain nets contrary to the provisions of Chapter 119, page 269, Acts of the Regular Session of the Forty-first Legislature; providing that it shall be unlawful to have in possession certain seines or nets in or on any of the tidal waters of this State where said nets are prohibited from being used in taking fish or shrimp unless same is on board a vessel when in port or enroute to or from the Gulf of Mexico; providing for seizure of said nets by officers of the State and for trial of defendant; fixing a penalty; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 151, A bill to be entitled "An Act to license and regulate persons engaging in the business of constructing, reconstructing, repairing, altering, installing or adjusting weights, scales or weighing devices; providing for registrations fees and



for examinations of applicants for licenses; providing for issuance of renewal licenses on payment of renewal fees; providing that a firm, partnership, corporation, company or association may engage in the business of scale repairman in this State, provided such business is carried on by only scale repairmen licensed and registered in this State; providing for the keeping of certain records and the making of certain reports by licensees; providing for the promulgation of rules and regulations for the enforcement of the Act not inconsistent therewith by the Commissioner of Agriculture; providing for the revocation and suspension of licenses; providing certain exemptions; providing certain exemptions; providing penalties for the violation thereof and repealing all laws in conflict."

H. B. No. 706, A bill to be entitled "An Act to regulate the taking of bullfrogs; providing a penalty, and declaring an emergency."

Respectfully submitted,  
E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### House Concurrent Resolution 88

The following resolution, received from the House today, was laid before the Senate:

H. C. R. No. 88, Correcting enrolled copy of H. B. No. 444.

The resolution was read; and by unanimous consent, it was considered at this time and was adopted.

#### House Bills on First Reading

The following bills received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. No. 706, to Committee on Game and Fish.

H. B. No. 391, to Committee on Game and Fish.

H. B. No. 359, to Committee on Public Buildings and Grounds.

H. B. No. 151, to Committee on Agriculture.

H. B. No. 397, to Committee on Stock and Stock Raising.

#### Senate Bill 111 on Engrossment

Senator Stone of Washington moved to call from the table, on its passage to engrossment (the bill having been read second time and tabled subject to call on February 23, 1939):

S. B. No. 111, A bill to be entitled "An Act to amend Chapter 93, Acts of the First Called Session of the Forty-first Legislature of the State of Texas, further defining the duties of the Commissioner of Agriculture, providing certain safeguards for the purchasers of seed produced outside of Texas and shipped into Texas, providing that seed sold as registered and certified in Texas meet Texas standards, requiring permit to ship certain planting seed into Texas, providing fees for such permits, clarifying certain terms used under the Seed Certification program, providing penalties and declaring an emergency."

The motion prevailed.

The President laid the bill before the Senate, on its passage to engrossment.

Senator Stone of Washington offered the following amendment to the bill:

Amend S. B. No. 111, Subsection (d) of Section 4 on page 3, line 8 of Subsection (b) by striking out all of lines 8 and 9 after the word "issued" down to the word "providing" in line 9.

(President Pro Tempore Moore in the Chair).

The amendment was adopted.

Senator Stone of Washington offered the following amendments to the bill:

(1)

Amend S. B. No. 111, Subsection (b) of Section 4 on Page 2, line 2 of Subsection (b) by adding after the word "standards", the following "necessary to carry out the provisions of this Act."

(2)

Amend S. B. No. 111, Subsection (b) of Section 4 on page 3, line 17 of Subsection (b) by striking out the words "not adapted to Texas conditions."

(3)

Amend S. B. No. 111, Subsection (b) of Section 4 on page 2, line 6, after the word "and" by striking out the words "each sack, bushel or lot of seed" and inserting in lieu thereof the following: "each lot of seed of one hundred (100) pounds or less, whether sacked or in bulk."

The amendments were adopted severally.

Senator Redditt offered the following amendment to the bill:

Amend S. B. No. 111 in line 2 of Subsection (a) of Section 4 by inserting after the words "number of inspectors" the following: "Provided, however, funds are collected under and by virtue of this Act to pay same, and provided further that no salary shall be paid in excess of the salary provided in the general departmental bill by itemization for the Department of Agriculture for the same or similar services."

The amendment was adopted.

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 111 by adding the following at the end of line 58, page 2:

Provided this Act shall not in any wise affect the selling of seed which are not claimed to be certified or registered.

The amendment was adopted.

Senator Hardin offered the following amendment to the bill:

Amend Sec. B, beginning with the word "and" in line 27, page 2, and striking out down to Sec. C, line 35.

HARDIN,  
ISBELL.

(President in the Chair.)

Yeas and nays were demanded, and the amendment was lost by the following vote:

Yeas—9

Aikin	Head
Burns	Isbell
Collie	Spears
Graves	Winfield
Hardin	

Nays—17

Brownlee	Shivers
Cotten	Small
Kelley	Stone
Lanning	of Galveston
Martin	Stone
Metcalf	of Washington
Moffett	Sulak
Moore	Van Zandt
Pace	Weinert
Redditt	

Absent

Beck	Roberts
Lemens	

Absent—Excused

Hill	Nelson
------	--------

Question—Shall the bill be passed to engrossment?

House Bill 391 on Second Reading

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 391 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Hill	Nelson
------	--------

On motion of Senator Shivers and by unanimous consent, Senate rules 31a and 48 were suspended, and the regular order of business was suspended, to permit consideration of H. B. 391 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 391, A bill to be entitled "An Act regulating the taking of fish and shrimp in the tidal waters of this State; providing that it shall be lawful to use strike nets, gill nets, trammel nets or shrimp trawls in the open waters of East Galveston Bay in the Counties of Galveston and Chambers, and in certain waters of Galveston Bay, during the period beginning August 15 and ending May 15 of each year; making it unlawful to use certain nets contrary to the provisions of Chapter 119, page 269, Acts of the Regular Session of the Forty-first Legislature; providing that it shall be unlawful to have in possession certain seines or nets in or on any of the tidal waters of this State where said nets are prohibited from being used in taking fish or shrimp unless same is on board a vessel when in port or en route to or from the Gulf of Mexico; providing for seizure of said nets by officers of the State and for trial of defendant; fixing a penalty; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 391 on Third Reading

The President then laid H. B. No. 391 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

#### Absent—Excused

Hill	Nelson
------	--------

#### Senate Bill 426 on Second Reading

On motion of Senator Spears and by unanimous consent, the regular order of business was suspended, to

permit consideration of S. B. No. 426 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 426, A bill to be entitled "An Act to amend Article 5885 of the Revised Civil Statutes of Texas, 1925, so as to define the assistance which Counties, Cities and Towns may render to the National Guard, validating certain donations heretofore made, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 426 on Third Reading

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 426 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

#### Absent—Excused

Hill	Nelson
------	--------

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—29

Aikin	Hardin
Beck	Head
Brownlee	Isbell
Burns	Kelley
Collie	Lanning
Cotten	Lemens
Graves	Martin

Metcalfe	Stone
Moffett	of Galveston
Moore	Stone
Pace	of Washington
Redditt	Sulak
Roberts	Van Zandt
Shivers	Weinert
Small	Winfield
Spears	

Absent—Excused

Hill Nelson

**Motion to Adjourn**

Senator Hardin moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—11

Beck	Isbell
Brownlee	Lanning
Burns	Lemens
Graves	Metcalfe
Hardin	Winfield
Head	

Nays—15

Aikin	Small
Kelley	Stone
Martin	of Galveston
Moffett	Stone
Moore	of Washington
Pace	Sulak
Redditt	Van Zandt
Roberts	Weinert
Shivers	

Present—Not Voting

Spears

Absent

Collie Cotten

Absent—Excused

Hill Nelson

**Senate Bill 111 on Engrossment**

The Senate resumed consideration of pending business, same being S. B. No. 111, relating to shipment of registered cotton seed into this State, on its passage to engrossment.

Senator Stone of Washington moved the previous question on the passage of the bill to engrossment, and the motion was duly seconded.

The main question was ordered by the following vote:

Yeas—18

Graves	Shivers
Kelley	Small
Lanning	Spears
Lemens	Stone
Martin	of Galveston
Metcalfe	Stone
Moffett	of Washington
Moore	Sulak
Pace	Van Zandt
Roberts	Weinert

Nays—8

Aikin	Head
Beck	Isbell
Burns	Redditt
Hardin	Winfield

Present—Not Voting

Brownlee

Absent

Collie Cotten

Absent—Excused

Hill Nelson

Question then recurring on the passage of the bill to engrossment, yeas and nays were demanded.

The bill was passed to engrossment by the following vote:

Yeas—20

Aikin	Redditt
Brownlee	Roberts
Graves	Shivers
Kelley	Small
Lanning	Stone
Lemens	of Galveston
Martin	Stone
Metcalfe	of Washington
Moffett	Sulak
Moore	Van Zandt
Pace	Weinert

Nays—7

Beck	Head
Burns	Isbell
Collie	Winfield
Hardin	

Present—Not Voting

Spears

Absent

Cotten

Absent—Excused

Hill Nelson

**Senate Bill 111 on Third Reading**

Senator Stone of Washington moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 111 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Redditt
Beck	Roberts
Brownlee	Shivers
Burns	Small
Graves	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	Stone
Martin	of Washington
Metcalf	Sulak
Moffett	Van Zandt
Moore	Weinert
Pace	

Nays—5

Collie	Isbell
Hardin	Winfield
Head	

Absent

Cotten

Absent—Excused

Hill

Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Senator Stone of Washington moved the previous question on the passage of the bill, and the motion was duly seconded.

Question—Shall the main question now be ordered.

Yeas and nays were demanded, and the main question was ordered by the following vote:

Yeas—19

Brownlee	Moore
Graves	Pace
Kelley	Redditt
Lanning	Roberts
Lemens	Shivers
Martin	Small
Metcalf	Stone
Moffett	of Galveston

Stone of Washington	Van Zandt
Sulak	Weinert

Nays—8

Aikin	Hardin
Beck	Head
Burns	Isbell
Collie	Winfield

Absent

Cotten

Spears

Absent—Excused

Hill

Nelson

The bill then was passed by the following vote:

Yeas—21

Aikin	Roberts
Brownlee	Shivers
Graves	Small
Kelley	Spears
Lanning	Stone
Lemens	of Galveston
Martin	Stone
Metcalf	of Washington
Moffett	Sulak
Moore	Van Zandt
Pace	Weinert
Redditt	

Nays—7

Beck	Head
Burns	Isbell
Collie	Winfield
Hardin	

Absent

Cotten

Absent—Excused

Hill

Nelson

**Senate Bill 13 on Engrossment**

Senator Lemens moved to call S. B. No. 13 from the table, on its passage to engrossment (the bill having been read second time March 17, 1939, and having been taken up, amended and again tabled subject to call on today).

The motion prevailed.

The President laid the bill before the Senate, on its passage to engrossment.

The bill then was passed to engrossment.

**Senate Bill 13 on Third Reading**

Senator Lemens moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 13 be

placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Hill Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—22

Aikin	Moffett
Brownlee	Moore
Cotten	Pace
Graves	Redditt
Hardin	Small
Head	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Van Zandt
Metcalf	Winfield

Nays—7

Beck	Shivers
Burns	Sulak
Collie	Weinert
Roberts	

Absent—Excused

Hill Nelson

Bill Re-referred

On motion of Senator Aikin, H. B. No. 359 was re-referred from the Committee on Public Buildings and Grounds to the Committee on Civil Jurisprudence.

Report of Conference Committee on House Bill 194

Senator Spears submitted at this time the following report of the Conference Committee on H. B. No. 194:

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House.

Sirs: We, your Conference Committee, to whom was referred House Bill No. 194, appointed to adjust the differences between the two Houses on House Bill No. 194, beg to recommend that said bill be passed in the form and text as submitted herewith:

Respectfully submitted,

SPEARS,  
HARDIN,  
KELLEY,  
PACE,

On the part of the Senate.

DEAN,  
KERSEY,  
MORRIS,  
DICKERSON,  
KINARD,

On the part of the House.

A BILL

TO BE ENTITLED

An Act defining "Barber Board"; authorizing the State Board of Barber Examiners to approve agreements fixing minimum prices for barber services; providing for agreements to be submitted by eighty-five (85) per cent of the licensed barbers in any one county of the State; providing the minimum for haircuts shall not exceed Forty (40) Cents; providing for orders of the Board to remain in effect until replaced by new agreements; providing for the State Board to adopt and enforce rules and orders necessary to administer the Act; providing for the posting of rules or orders; providing for deviation from established minimum by certain barbers; providing for practice and procedure of the Board with respect to investigations; providing for treatment by the Board of violations of this Act; providing for the Board to administer and enforce the provisions of this Act; providing nothing in this Act shall affect any regulation of the State Board of Health or authority now

vested in State Bureau of Labor Statistics; regulating barber schools or barber colleges; providing a penalty for violating the provisions of this Act; providing for refusal to grant a license or for suspension or revocation of licenses by the Board; providing for appeal from action of the Board; providing for the payment of expenses of administration of this Act; providing for fees for permits and placing such fees in a special enforcement fund; providing that the provisions of this Act shall be cumulative; providing a saving clause; repealing all laws in conflict herewith; providing this Act shall not be construed as an amendment to, nor in any manner repealing, the Antitrust Laws of this State or the United States; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. As used in this Act, unless otherwise expressly stated, or unless the content or subject matter otherwise requires, "Barber Board" or "Board" shall mean the State Board of Barber Examiners.

Sec. 2. Whenever a scale of minimum prices for barber services shall have been agreed upon, signed, and submitted to the State Board of Barber Examiners by organized and representative groups of barbers of at least eighty-five (85) per cent of the licensed barbers in any county of this State, the State Board of Barber Examiners shall have power to approve or disapprove such agreements and to declare and establish within such county, by official order, the minimum prices for any and all work or service usually performed in barber shops.

Sec. 3. All orders of the Board approving schedules of prices to be charged for barber service, as herein provided, shall remain in force and effect unless rescinded, modified, or replaced by a new agreement approved and promulgated by the Board, after being signed and submitted under the procedure provided in Section 2 of this Act.

Sec. 3a. Provided the minimum price so set shall never exceed Forty (40) Cents per haircut.

Sec. 4. The State Board of Barber Examiners shall adopt and enforce all rules and orders necessary to

carry out the provisions of this Act. All rules and orders of the Board shall be printed and posted for public inspection in the office of the Secretary of the Board, including all minimum price agreements which have been approved and promulgated by the Board. Notice shall likewise be mailed to each and every barber shop affected by said rule and/or order.

The posting in the main office of the Secretary of the Board of any rule or order not herein required to be served upon any person shall constitute due and sufficient notice to all persons affected by such rule or order and shall be binding upon them.

Sec. 5. All barbers in business anywhere in the State other than within the corporate limits, or within two (2) miles thereof, of all cities of one thousand (1,000) or more population according to the last preceding Federal Census shall be allowed to deviate not more than twenty-five (25) per cent from the minimum as established by the barbers of that particular county.

Sec. 6. The practice and procedure of the Board with respect to any investigation authorized by this Act shall be in accordance with rules and regulations to be promulgated by the Board, which shall provide for a reasonable notice to all persons affected by orders to be made by the Board after such investigation, and opportunity to be heard either in person or by counsel, and to introduce testimony in their behalf at any public hearing to be held for the purpose.

For the purpose of such investigation, or any hearing which the Board is authorized or required to conduct, the Board or any member thereof, and its Secretary shall have power to conduct such hearing, administer oaths, take depositions, issue subpoenas, compel the attendance of witnesses and the production of books, papers, documents, and other evidence. In case of disobedience of any person to comply with the order of the Board, or a subpoena issued by the Board or any of its members or its Secretary, or on the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, the Judge of any District Court of the county in which the person resides, on application of any member of the Board or its Secretary, shall compel obedience by at-

tachment proceedings as for contempt, as in the case of disobedience of a subpoena issued from such Court, or a refusal to testify therein. The Sheriff of the county in which such person resides shall serve all orders and subpoenas herein referred to, and each witness who appeared in obedience to subpoena before the Board, or member, or its Secretary, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in the District Courts of this State, which shall be paid upon presentation of proper vouchers, approved by any two (2) members of the Board. No witness subpoenaed at the instance of a party, other than the Board or one of its members, or its Secretary, shall be entitled to compensation unless the Board shall certify that his testimony was material to the matter investigated.

Sec. 7. The State Board of Barber Examiners shall have the authority to bring an injunction suit in the District Court in the county of the residence of the defendant against any person who is violating any provision of the Barber Law or any order of the Barber Board issued by authority of this Act.

Sec. 8. The State Board of Barber Examiners is hereby vested with such general powers as are necessary for administering and enforcing this Act; provided, however, that nothing contained in this Act shall be construed to affect the status, force, or operation of any regulations of the State Board of Health or of any local health ordinance or regulation, or to affect the authority now vested in the Bureau of Labor Statistics of the State of Texas.

Sec. 9. The provisions of this Act shall apply to and be binding upon all persons to whom, under any other laws of this State, the State Board of Barber Examiners is authorized to issue licenses or certificates of registration, including barbers, barber apprentices, and haircutters in beauty shops and hairdressing establishments, as defined in such laws; provided, however, the provisions of this Act shall not apply to the duly authorized barber schools or barber colleges, except that it shall be unlawful for any approved school or college to charge or allow its students to charge less than one-half the minimum price as approved under the

provisions of this Act, and provided that no charge shall be made for service or materials in the beginners' department of any barber school or college.

Sec. 10. That a violation of any provision of this Act, or any rule or order of the Board lawfully made pursuant thereto, except as otherwise expressly provided by this Act, shall be a misdemeanor punishable, upon conviction, by a fine of not less than Ten Dollars (\$10.00) and not exceeding Two Hundred Dollars (\$200.00), or by imprisonment not exceeding six (6) months, or both such fine and imprisonment, and each day during which such violation shall continue shall be deemed a separate violation.

Sec. 11. That the Board may decline to grant a barber's, or haircutter's, or other license, or may suspend or revoke such license if already granted, upon due notice and opportunity of hearing to the applicant or licensee when satisfied that any such person has violated any of the provisions of this Act. Any applicant or licensee considering himself aggrieved by any action of the Board, taken under the provisions of this Act, may, within twenty (20) days after receipt of the order of the Board, take an appeal from the action of the Board to the District Court of the county in which such person resides, which Court shall have jurisdiction to reverse, vacate, or affirm the order complained of, if such Court is of the opinion that such order was unlawful or unreasonable. No proceeding to vacate or reverse a final order rendered by the Board shall operate to stay the execution or effect thereof, unless the District Court or a Judge thereof in vacation or in term time, on application, shall allow such stay, in which event the petitioner shall be required to execute a bond in such sum as the Court may prescribe, with sufficient surety to the satisfaction of the Court, conditioned for the prompt payment of all damage arising from or caused by the delay in the enforcement of the order complained of.

Any order applying only to a person or persons named therein shall be served by registered mail, return receipt demanded, or by delivery by any authorized inspector, constable, or sheriff.

Sec. 12. That all expenses incidental to the administration of this Act shall be paid from the funds of the State Board of Barber Examiners



in the manner and form governing other expenditures of that Board.

Sec. 13. Every licensed barber, barber apprentice, and haircutter practicing in any county of this State in which minimum price agreements are operative under this Act shall procure an annual permit to practice under any such agreement from the State Board of Barber Examiners. The permit shall expire with the expiration of any such agreement and shall not be transferable. The annual fee for permits shall be Two Dollars and Fifty Cents (\$2.50) and shall be paid within thirty (30) days after the approval of any such agreement, and thereafter on or before each anniversary date of the approval of the Board of any such agreement, and upon failure to do so, after ten (10) days' notice in writing, the license of any such person may be suspended, upon order of the Board, until such fee is paid.

All fees collected under this Act shall be placed in the State Treasury to the credit of a special fund to be known as "Special Enforcement Fund," and all of the current revenues derived, to be placed to the credit of said Fund during the two (2) years ending August 31, 1941, are hereby appropriated and shall be used by the State Board of Barber Examiners and under its direction in the enforcement of this Act.

Sec. 14. The provisions of this Act shall be cumulative of all other provisions of the Civil Statutes, the Penal Code, and the Code of Criminal Procedure of the State of Texas, and the remedies herein provided shall be cumulative of all other remedies provided in the Civil Statutes, the Penal Code, and the Code of Criminal Procedure of the State of Texas.

Sec. 15. If any Article, section, subsection, sentence, clause, or phrase of this Act is, for any reason, held to be unconstitutional, such decision shall not affect the validity of any remaining portion of this Act. The Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

Sec. 16. All laws or parts of laws in conflict with any provisions of this Act are hereby expressly repealed.

Sec. 17. Nothing in this act shall ever be construed as amending, modi-

fying, suspending, or repealing any of the laws of this State defining and prohibiting trusts, monopolies, and conspiracies against trade, with particular reference to Chapter 3, Title 19, Penal Code of this State and Title 126, Revised Civil Statutes of Texas, 1925; and should this Act in any manner conflict with or alter, repeal, change, modify or affect, or attempt to alter, repeal, change, modify or affect the above mentioned statutes or any sentence, section, clause, phrase or word thereof, this Act shall fall and be held for naught.

Sec. 18. The fact that there is at present no law regulating the minimum prices of barber shops, and the fact that a condition exists in the barber business or profession which is creating an unfair, demoralizing, and uneconomic competition and practice in this State, which is resulting in price cutting to the extent of limiting and preventing barbers from rendering safe and healthful service to the public, and is causing to be created an insanitary condition, create an emergency and an imperative public necessity that the Constitutional Rule requiring all bills to be read on three separate days in each House be and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

#### Senate Bill 141 on Second Reading

On motion of Senator Small and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 141 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 141, A bill to be entitled "An Act amending Article 3393a of the Revised Civil Statutes of 1925 (Acts 1929, Forty-first Legislature, Page 130, Chapter 63, Section 1), and Article 3396 of the Revised Civil Statutes of 1925 as amended by Acts of 1935, Forty-fourth Legislature, Page 654, Chapter 266, Section 1, so as to provide for the method of reducing the amount of bonds required of executors and administrators and for service by citation by mail upon parties in interest not resident in a county; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Senator Small offered the following (committee) amendment to the bill:

Amend S. B. No. 141, Section 2 by adding after the word "mailing" the following:

"by registered mail, return receipt requested"

The amendment was adopted.

The bill was passed to engrossment.

#### Senate Bill 141 on Third Reading

Senator Small moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 141 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Hill Nelson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Reports of Standing Committees

Senator Weinert, by unanimous consent, submitted at this time the following reports of the Committee on State Affairs:

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 874, A bill to be entitled "An Act to amend Subsection E of

Section 2, of Article 3912e-2, Revised Civil Statutes of Texas, being H. B. No. 165, Acts, 1937, Forty-fifth Legislature, Regular Session, Chapter 81, page 151, and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 822, A bill to be entitled "An Act to amend Article 7252, Revised Civil Statutes, 1925, authorizing the assessor and collector of taxes to appoint deputies to assist him in the assessment and collection of taxes; providing for bonds from such deputies; providing that the assessor and collector shall be liable for the acts of such deputies; and authorizing the deputies to perform the duties imposed and required by law of the assessor and collector of taxes; etc., and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 824, A bill to be entitled "An Act providing that in all counties containing a population of 355,000 or more inhabitants, according to the last preceding or any future Federal Census, the Commissioners' Court of each of such counties shall make a reasonable allowance, not to exceed Fifty (\$50) Dollars a month, to each Justice of the Peace for the operation of automobiles in connection with their official business, when such Justice of the Peace sits in a court maintained in the courthouse at the county seat of each of such counties, repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 836, A bill to be entitled "An Act amending Section 3 of Article 5221-C, Title 83 of the Revised Civil Statutes of the State of Texas, exempting certain boilers within the city limits of cities having a population of 290,000 or over from inspection, inspection fees, etc., and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 823, A bill to be entitled "An Act to amend Subsection (h) of Section 19, Chapter 465, of the Acts of the Forty-fourth Legislature, Second Called Session, by adding thereto a proviso applying in counties having a population of more than 355,000 according to the last preceding Federal Census fixing the limits of the salaries to be paid deputies, assistants and employees of district, county and precinct officers, defining heads of departments, providing for the manner and means of employment, and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Senator Hardin, by unanimous consent, submitted at this time the following reports of the Committee on Counties and County Boundaries:

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 867, A bill to be entitled "An Act providing that in counties having a population of not less than twenty-two thousand, one hundred and not more than twenty-two thousand, five hundred, according to the last preceding Federal Census, the County Judge may appoint a Court Stenographer to be called and known as the official Court Reporter of the County Court; providing the manner of appointment and describing his duties, etc.,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 365, A bill to be entitled "An Act authorizing the Commissioners Court of any county having a population of not less than four thousand, six hundred and thirty-seven (4,637) and not more than four thousand, seven hundred (4,700), any county having a population of not less than five thousand, six hundred and sixty (5,660) and not more than five thousand, six hundred and seventy-five (5,675), any county having a population of not less than six thousand, three hundred and ten (6,310) and not more than six thousand, three hundred and twenty-five (6,325), any county having a population of not less than eight thousand, five hundred and ninety (8,590) and not more than eight thousand, six hundred and twenty-five (8,625), any county having a population of not less than twelve thousand, one hundred and fifty (12,150) and not more than twelve thousand, two hundred (12,200), any county having a population of not less than eighteen thousand, four

hundred and thirty (18,430) and not more than eighteen thousand, four hundred and fifty (18,450), and any county having a population of not less than forty thousand, nine hundred (40,900) and not more than forty thousand, nine hundred and five (40,905) inhabitants, according to the last preceding Federal Census, to allow each County Commissioner the sum of Twenty-five Dollars (\$25) per month for traveling expenses; and the Commissioners Court of any county having a population of not less than thirty-three thousand, three hundred and seventeen (33,317) and not more than thirty-three thousand, three hundred and twenty-five (33,325) inhabitants, according to the last preceding Federal Census, to allow each County Commissioner the sum of Forty Dollars (\$40) per month for traveling expenses; providing for the source of payment of such expenses; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

HARDIN, Chairman.

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 587, A bill to be entitled "An Act providing the amount of traveling expenses that shall be allowed by the county board of trustees to the county superintendent of public instruction for expenditures for traveling expenses in certain counties, according to the last preceding Federal Census or any subsequent Federal Census; repealing all laws and parts of laws in conflict herewith to the extent of the conflict only; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Privileges and Elections to whom was referred

S. B. No. 425 by Shivers, A bill to be entitled "An Act amending Article 2940, Chapter 3, Title 50 of the Revised Civil Statutes of 1925, so as to provide that no one shall act as Chairman or as member of any District, County or City Executive Committee, who has not paid his Poll Tax, or who holds any office of profit or trust in either the United States or this State, or in any city or town in this State; etc.,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, the Committee on Counties and County Boundaries, to whom was referred

H. B. No. 883, A bill to be entitled "An Act to amend Article 6704 of the Revised Civil Statutes of Texas of 1925, by adding thereto a new subdivisions to be known as subdivision 4, permitting, empowering, and authorizing the Commissioners Court of any county containing a population of not less than five thousand, six hundred and ninety (5,690) nor more than five thousand, seven hundred and fifty (5,750) according to the last preceding Federal Census, to construct cattle guards on any or all of the first class, second class, or third class roads within their respective counties in accordance with plans and specifications prepared and approved by the Commissioners Court of said county; and further permitting, authorizing, and empowering said Commissioners Court to construct said cattle guards on any such roads and pay therefor out of the road and bridge funds of said county and making it a penal offense for anyone to construct any cattle guard on such

roads not in accordance with said approved plans and specifications as prepared and approved by said Commissioners Court; providing a suitable penalty therefor; and declaring an emergency."

Have had the same under consideration and we wish to report it back to the Senate with the recommendation that it do pass and be printed.

HARDIN, Chairman.

Senator Moore, by unanimous consent, submitted at this time the following report of the Committee on Game and Fish:

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 840, A bill to be entitled "An Act prohibiting the setting of any steel trap, snare, or deadfall in certain counties for the purpose of taking any fur-bearing animals for a period of two (2) years; providing certain exceptions; repealing all laws in so far as they conflict with this Act; providing a penalty for violation of this Act."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 889, A bill to be entitled "An Act making it unlawful to take any fish from any of the fresh water lakes, rivers, bayous, sloughs, and/or any other fresh waters in Jack County, Texas, by the use of any hoop nets, trammel nets, and/or barrel nets, irrespective of the size of mesh; prescribing penalties for such unlawful taking; repealing all laws and parts of laws to the extent of the conflict only; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recom-

mendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 391, A bill to be entitled "An Act regulating the taking of fish and shrimp in the tidal waters of this State; providing that it shall be lawful to use strike nets, gill nets, trammel nets or shrimp trawls in the open waters of East Galveston Bay in the Counties of Galveston and Chambers, and in certain waters of Galveston Bay, during the period beginning August 15 and ending May 15 of each year; making it unlawful to use certain nets contrary to the provisions of Chapter 119, page 269, Acts of the Regular Session of the Forty-first Legislature; providing that it shall be unlawful to have in possession certain seines or nets in or on any of the tidal waters of this State where said nets are prohibited from being used in taking fish or shrimp unless same is on board a vessel when in port or enroute to or from the Gulf of Mexico; providing for seizure of said nets by officers of this State and for trial of defendant; fixing a penalty; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 894, A bill to be entitled "An Act providing that it shall be unlawful to shoot quail in McCulloch and San Saba Counties until December 1, 1941; providing a suitable penalty for violation of this Act; repealing all conflicting laws; and declaring an emergency."

Have had the same under consideration and I am instructed to report

it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 845, A bill to be entitled "An Act making it unlawful to take or kill any wild fox in the Counties of Young and/or Jack for a period of two (2) years; making exceptions thereof; prescribing penalty for violation of this Act; and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

#### Adjournment

Senator Van Zandt moved that the Senate adjourn until 10 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 5:12 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

#### APPENDIX

##### Reports of Committees on Enrolled and Engrossed Bills

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 34 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 18 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
April 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 35 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
April 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 12, carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 35 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
April 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 335 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
April 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 414 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
April 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 33 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
April 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 408 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
April 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 256 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
April 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 107 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
April 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 286 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
April 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 250 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
April 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 193

carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
April 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 164 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
April 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 20 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 17 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 24 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 177 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

## In Memory of Hon. Pink L. Parrish

Senator Small offered the following resolution:

(Senate Resolution No. 60)

On Monday, April 10, 1939, the Honorable Pink L. Parrish departed this life at his home in Lubbock, Texas, after a protracted illness against which he had fought desperately but cheerfully for a number of years. In his passing a truly picturesque, unique and useful career was brought to an untimely end.

Pink L. Parrish obtained the rudiments of an education in the crude rural schools that characterized West Texas in early years. He finished his education in the University of Hard Knocks, with the highest degree given in the School of Experience. In his youth he struggled against poverty. Hardship, adversity and stern obstacles were his constant adversaries. As a result of this environment, Pink L. Parrish developed a broad sympathy for his fellow man and an accurate understanding of the problems of the unfortunate and under privileged of this world.

For a number of years Pink Parrish taught school. He then served for a number of years as County Judge. Later he became Mayor of the City of Lubbock. In 1929 he came to the State Senate where he served with distinction for four years.

In the Senate of Texas Senator Parrish immediately gained statewide recognition. He took an active part in the passage of all important legislation, and he combined practical experience, common sense, and sound statesmanship in his legislative activities. He was animated by a sincere desire to expand and improve the opportunities of the people he served. He was a wholesome, congenial good natured person who endeared himself to his colleagues in the Senate. He lived in close communion with the masses of the common people of this State. He was the sincere friend and servant of the man of the street, the man on the farm, and the occupant of the obscure places of life. He was a broad gaged, big hearted, sympathetic public servant, who adhered to the fundamental principles of democracy. He was a living exponent of fair dealing, uniform privileges, and equal opportunities for all, and he was the avowed enemy of special privilege and unfair advantage. He was truly a great, sincere Texan, whose absence is deplored by a legion of friends from all parts of the State.

Therefore, be it Resolved by the Senate of Texas, That we express to the members of his family our deep and heartfelt sympathy and consolation, and that a copy of this resolution be spread upon the journals of the day, and the Secretary of the Senate be directed to send a copy of this resolution to each member of the family of Pink L. Parrish.

Resolved, That the Senate adjourn today in respect to the memory of Pink L. Parrish.

SMALL.

Signed.—Aikin, Beck, Brownlee, Burns, Collie, Cotten, Graves, Hardin, Head, Hill, Isbell, Kelley, Lanning, Lemens, Martin, Metcalfe, Moffett, Moore, Nelson, Pace, Redditt, Roberts, Shivers, Small, Spears, Stone of Galveston, Stone of Washington, Sulak, Van Zandt, Weinert, Winfield.

The resolution was read.

On motion of Senator Winfield, the names of all Senators were added to the resolution as signers thereof.

The resolution was adopted unanimously.